

The fact that the opportunity of displaying his remarkable ability in this body was denied him was a distinct disappointment to his numerous friends and admirers in Louisiana.

For many years Mr. GILMORE practiced law in the city of New Orleans, commencing in 1880, shortly after his graduation from Tulane; first with his father, himself a distinguished lawyer, after whose death he practiced his profession for a while alone. Subsequently, however, he again entered into partnership with different lawyers of eminence, members of the New Orleans bar.

It was in 1888 that Congressman GILMORE occupied his first public position, the Hon. Carleton Hunt, then city attorney of New Orleans, appointing him as his assistant. With that peculiar talent which he always displayed, his earnestness, his studiousness, his assiduous application to his duties in his chosen profession, the late Representative soon became noted for his thorough knowledge of municipal law. In 1896 he himself was elected city attorney, and reelected in 1900, 1904, and 1908; and it was only on March 15, 1909, that he severed his connection with the city attorneyship, having resigned to succeed the late lamented Congressman Robert C. Davey, both for the unexpired term and the full term. In neither elections, either at the primary for his party's nomination or the election proper, did Mr. GILMORE meet with any opposition. Such was the regard in which he was held by the people of the second congressional district of Louisiana.

Prior to his election as city attorney Mr. GILMORE was very widely known in Louisiana. In 1892 he was elected one of the presidential electors; in 1908 he was a delegate to the Denver convention, and as such seconded the nomination of William J. Bryan as the Democratic nominee for the Presidency.

No one could present a case more strongly, more effectively, and more thoroughly than could Mr. GILMORE. In his case he overlooked no point of law, and he never harassed any court before which he appeared by a repetition of his arguments. He was a Shakespearean scholar, and at one time had prepared for the stage. Mr. GILMORE's studies in that direction, his suavity of manner, his fluency of language, his purity of diction, and his uniform courtesy to his opponents, supplemented by a thorough knowledge of the law and the facts of his case, always made him an interesting debater and a dangerous adversary.

Apart from the distinctive loss suffered by Louisiana in his untimely demise, it will forever remain a matter of deep regret to his admirers, among whom I class myself, that an opportunity was not afforded him to display his remarkable talents on this floor.

ADJOURNMENT.

Then, in accordance with the resolutions heretofore adopted (at 2 o'clock and 1 minute p. m.), the House adjourned until Monday, January 30, 1911, at 12 o'clock m.

SENATE.

Monday, January 30, 1911.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of the proceedings of Friday last when, on request of Mr. BROWN, and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

CREDENTIALS.

Mr. BROWN presented the credentials of GILBERT M. HITCHCOCK, chosen by the Legislature of the State of Nebraska a Senator from that State for the term beginning March 4, 1911, which were read and ordered to be filed.

Mr. BULKELEY presented the credentials of GEORGE P. McLEAN, chosen by the Legislature of the State of Connecticut a Senator from that State for the term beginning March 4, 1911, which were read and ordered to be filed.

Mr. STEPHENSON presented the credentials of ROBERT MARION LA FOLLETTE, chosen by the Legislature of the State of Wisconsin a Senator from that State for the term beginning March 4, 1911, which were read and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed the following bills:

S. 10053. An act to extend the time within which the Baltimore & Washington Transit Co. of Maryland shall be required to put in operation its railway in the District of Columbia, under the provisions of an act of Congress approved June 8, 1896, as amended by an act of Congress approved May 29, 1908; and

S. 10099. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 28406) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1912, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURKE of South Dakota, Mr. CAMPBELL, and Mr. STEPHENS of Texas managers at the conference on the part of the House.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 31724. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

H. R. 32078. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 32128. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The message also transmitted to the Senate resolutions of the House commemorative of the life and public services of Hon. SAMUEL L. GILMORE, late a Representative from the State of Louisiana.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a joint memorial of the Legislature of the State of Montana, which was referred to the Committee on Industrial Expositions and ordered to be printed in the RECORD, as follows:

Senate joint memorial 5.

To the honorable Senate and House of Representatives in the Congress of the United States assembled:

Whereas it is proposed upon the completion of the Panama Canal to hold in some city of the United States an exposition; and

Whereas certain cities of the United States are endeavoring to have the Congress of the United States designate such city as the place for holding of the Panama International Exposition; and

Whereas the city of San Francisco is a candidate for the honor of having said exposition located in that city: Now, therefore, be it

Resolved (the house concurring). We, the Twelfth Legislative Assembly of the State of Montana, do hereby petition the Congress of the United States for the passage of necessary legislation to, at as early a date as practicable, designate the city of San Francisco, State of California, as the place for holding the Panama International Exposition; further

Resolved, That a copy of this memorial be forwarded by the secretary of state of the State of Montana to the Senate of the United States, and that a copy of this memorial be forwarded by the secretary of state of the State of Montana to the House of Representatives of the United States; and be it further

Resolved, That a copy hereof be transmitted by the secretary of state of the State of Montana to the Senators and Representatives in Congress of the State of Montana, with the request that they use every effort within their power to bring about a speedy action for the accomplishment of the ends and purposes herein indicated.

W. R. ALLEN, President of the Senate.

W. W. McDOWELL, Speaker of the House.

Approved January 21, 1911.

EDWIN L. NORRIS, Governor.

Filed January 21, 1911.

A. N. YODER, Secretary of State.

UNITED STATES OF AMERICA, State of Montana, ss:

I, A. N. Yoder, secretary of state of the State of Montana, do hereby certify that the above is a true and correct copy of senate joint memorial No. 5, relative to the Panama International Exposition, enacted by the Twelfth Legislative Assembly of the State of Montana and approved by Edwin L. Norris, governor of said State, on the 21st day of January, A. D. 1911.

In testimony whereof I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this the 21st day of January, A. D. 1911.

[SEAL.]

A. N. YODER, Secretary of State.

The VICE PRESIDENT presented a joint memorial of the Legislature of the State of Idaho, which was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

Senate joint memorial 2.

Your memorialist, the Legislature of the State of Idaho, respectfully represents that—

Whereas large areas of sections 16 and 36 in every township granted to the State of Idaho by the act of Congress of July 3, 1890, have been embraced within forest reservations, and it is necessary for the State to have the right to make indemnity selections and have them excluded from the national forests: Therefore be it

Resolved, That Congress be petitioned to enact an act providing for the adjustment of the claims of the States and Territories to lands

within national forests, H. R. 10584, calendar No. 591, which passed the House of Representatives April 13, 1910.

The secretary of state is hereby instructed to forward copies of this memorial to the Senate and House of Representatives of the United States and to each of our Representatives in Congress.

The above senate joint memorial No. 2 passed the senate on the 19th day of January, 1911.

L. H. SWEETSER, *President of the Senate.*

The above senate joint memorial No. 2 passed the house of representatives on the 25th day of January, 1911.

CHARLES D. STOREY,
Speaker of the House of Representatives.

I hereby certify that the above senate joint memorial No. 2 originated in the senate during the eleventh session of the Legislature of the State of Idaho.

CHAS. W. DEMPSTER, *Secretary of the Senate.*

STATE OF IDAHO,
DEPARTMENT OF STATE.

I, W. L. Gifford, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of senate joint memorial No. 2, by Kerns, memorializing the Congress of the United States in relation to sections 16 and 36, embraced within the national forest reservations.

Passed the senate January 19, 1911.

Passed the house January 25, 1911.

Which was filed in this office the 25th day of January, A. D. 1911, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State.

Done at Boise City, the capital of Idaho, this 25th day of January, A. D. 1911.

[SEAL.]

W. L. GIFFORD, *Secretary of State.*

THE VICE PRESIDENT presented a resolution adopted by the Assembly of the Philippine Islands, which was referred to the Committee on the Philippines and ordered to be printed in the RECORD, as follows:

Assembly resolution 14.

Resolution declaring the sale in large and unlimited tracts of land belonging to the so-called "friar estates" to be contrary to the will, the sentiments, and the interests of the Philippine people.

Whereas it is the general desire of the Philippine people to secure, now and in future, the means to preserve peace and bring happiness to the inhabitants of this country through a quiet, peaceful, and productive exploitation of its soil;

Whereas the Philippine people considers that the acquisition of unlimited tracts of land by large foreign associations or corporations for the purpose of exploiting them for their own benefit might disturb that peace and destroy that happiness desired with such fervor, because it believes that such corporations would establish a ruinous competition with the Philippine capitalists and producers, as thanks to their powerful resources they would acquire predominance in the field of exploitation of the native energies, and that, once established in the country, said corporations would constitute a great obstacle to the political emancipation desired by the Philippine people in general;

Whereas the transfer to the corporations mentioned of the land purchased from the friars might result in a renewal in this country of the political-social disturbances of the past caused by the exploitation of the same estates by the religious corporations, this circumstance having constituted, as everybody knows, one of the principal causes of the last Philippine revolution;

Whereas the rule of the corporation or the concentration of the great agricultural interests in the hands of corporations has produced and is producing in the various countries—first in England, then in Germany, and subsequently in the United States—social commotions that are always a menace to the safety and welfare of a nation;

Whereas the Philippine Republic, ever to be remembered by us all, endeavored during the brief period of its existence to prevent this fearful social peril by providing, in the additional article of its constitution, for the transfer of the property and buildings of the religious corporations to the National Philippine Government;

Whereas the present Government of occupation has purchased the friar estates, not for the purpose of making them a new source of disturbances and protests, but in order to contribute to the peace and welfare of the Philippine people, according to the provisions of section 64 of the organic law of the Philippine Islands;

Whereas the Philippine Assembly deems it a duty not to be evaded, and at the same time a right derived from the essential principles of a democratic régime, to cause the voice of the people represented by it to be heard in the official spheres of the Philippine administration and of the Government of the sovereign country: Now, therefore, be it

Resolved, That the Philippine Assembly do, and hereby does, declare, without entering upon a discussion of the legality or illegality of the matter, that the sale in large and unlimited tracts of the so-called "friar estates" to great corporations, for their exploitation, is contrary to the will, the sentiments, and the interests of the Philippine people, and, further, that the assembly do, and hereby does, state its desire that the sale of said estates to persons other than those who were tenants of the same prior to June 3, 1908, and of all other property acquired by the Government subsequent to the treaty of Paris, be made subject to the limitations contained in section 15 of the organic act of the Philippine Islands, relative to the public lands acquired by the United States in the Philippine Islands under the treaty of peace with Spain; and

Resolved further, That copies of this resolution be forwarded to the Congress of the United States, the Philippine Commission, and the honorable the Secretary of War.

Adopted December 6, 1910.

I hereby certify that the foregoing resolution was adopted by the house on December 6, 1910.

RAMÓN DIOKNO,
Secretary Philippine Assembly.

The VICE PRESIDENT presented resolutions adopted by the Pan-Hellenic Union, of New York, relative to the action of European powers restoring Turkish sovereignty over the Island of Crete, which were referred to the Committee on Foreign Relations.

He also presented a cablegram, in the nature of a memorial, from the officers of the municipality of Viques, P. R., remonstrating against the passage of the so-called Olmsted bill affecting the interests of the inhabitants of that island, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a resolution adopted at the Forty-fourth National Encampment of the Grand Army of the Republic, praying for the enactment of legislation providing for the removal of the remains of Gen. Phil. Kearny from Trinity churchyard, New York City, to Arlington Cemetery, which was referred to the Committee on Military Affairs.

He also presented a resolution adopted at the Forty-fourth National Encampment of the Grand Army of the Republic, praying for the enactment of legislation providing for the interment of the remains of veterans of the Civil War and their wives in national cemeteries, which was referred to the Committee on Military Affairs.

He also presented a resolution adopted at the Forty-fourth National Encampment of the Grand Army of the Republic relative to the proposed attempt to transfer the management of the National Homes for Disabled Volunteer Soldiers to officers of the Regular Army, which was referred to the Committee on Military Affairs.

He also presented a petition from representatives of the New England Clubwomen, praying for the enactment of legislation providing for the establishment and maintenance of permanent forests at the headwaters of navigable streams, which was ordered to lie on the table.

He also presented a petition of J. Parson Stone Post, Department of New York, Grand Army of the Republic, of Camden, N. Y., praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

Mr. CRAWFORD. I present a resolution adopted by the House of Representatives of the State of South Dakota, which I ask may be printed in the RECORD and referred to the Committee on Post Offices and Post Roads.

There being no objection, the resolution was referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

STATE OF SOUTH DAKOTA,
HOUSE OF REPRESENTATIVES, TWELFTH SESSION,
Pierre, S. Dak., January 25, 1911.

Hon. COE I. CRAWFORD, Washington, D. C.

Sir: The following resolution has been adopted by the twelfth assembly of the House of Representatives of the State of South Dakota:

"Whereas, by an order of the Post Office Department, the railway postal clerks in the State of South Dakota have recently been required to perform extra duty on their regular lay-off periods without any additional compensation, notwithstanding their regular work has been materially increased by the growth of the State: Therefore be it

Resolved by the house of representatives of the State of South Dakota, That our Senators and Representatives in Congress present this matter to the honorable Postmaster General, with the view that it be adjusted in such a way that justice may be done the postal clerks as well as to the service in this State, and that the chief clerk of the house be instructed to send to our Senators and Members in Congress a copy of these resolutions."

Respectfully,

WALLACE H. BURDEN,
Chief Clerk House of Representatives.

Mr. CRAWFORD presented a petition of the Commercial Club of Huron, S. Dak., praying that an investigation be made into the mail service at that place, which was referred to the Committee on Post Offices and Post Roads.

Mr. BRISTOW presented a memorial of the Robinson-McKenna Mercantile Co., of Clay Center, Kans., remonstrating against the passage of the so-called rural parcels-post bill, which was ordered to lie on the table.

Mr. BURNHAM presented petitions of Colonel E. E. Cross Post, No. 16, of Lancaster; Post No. 86, of Marlow; Charles H. Hoitt Post, No. 69, of Northwood; John Sedgwick Post, No. 4, of Keene; Sheridan Post, No. 14, of Hinsdale; George S. Cram Post, No. 54, of Meredith; Albert M. Perkins Post, No. 80, of Epping; Sturtevant Post, of Concord; Littlefield Post, of Somersworth; John A. Logan Post, of Seabrook Depot; Post No. 52, of Enfield; Prescott Jones Post, No. 3, of West Andover; Hancock Post, No. 7, of Alstead; Post No. 1, of Portsmouth; Fred Smyth Post, No. 10, of Newport; Colonel Putnam Post, No. 5, of Contoocook; Fred M. Edgell Post, No. 76, of Lyme; Charles H. Phelps Post, No. 43, of Amherst; Grant Post, of Glen; Sampson Post, No. 22, of Rochester; Natt Westgate Post, No. 50, of Haverhill; Joe Hooker Post, No. 51, of Epping; Francis D. Green Post, No. 39, of Berlin; William H. Bryant Post, No. 63, of Cornish Flat; Veterans at Soldiers' Home, of Tilton; Bell Post, No. 74, of Chester; Gen. Frank Battles, of Concord; Capt. Dan B. Newhall, of Concord; Capt. L. H. Pillsbury, of Derry; Maj. D. E. Proctor, of Wilton; Col. H. L. Worcester, of Rochester; and Capt. R. W. Musgrove, of Bristol, all of the Department of New Hampshire, Grand Army of the Republic, in the State of New Hampshire, praying for the passage of the so-

called old-age pension bill, which were referred to the Committee on Pensions.

He also presented a petition of the Central Labor Union of Portsmouth, N. H., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the New Hampshire Weekly Publishers' Association, praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Unions Nos. 301, 266, 235, and 537, Brotherhood of Railroad Trainmen, of Concord, N. H., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the North Carolina Society of New York City, N. Y., praying for the enactment of legislation providing for the preservation of the forests at the headwaters of navigable streams, which was ordered to lie on the table.

Mr. GUGGENHEIM. I present a joint memorial of the Legislature of the State of Colorado, which I ask may be printed in the Record and referred to the Committee on Industrial Expositions.

There being no objection, the joint memorial was referred to the Committee on Industrial Expositions and ordered to be printed in the Record, as follows:

Senate joint memorial 9.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Eighteenth General Assembly of the State of Colorado, respectfully represents that:

Whereas the completion of the Panama Canal will make an epoch in the world's greatest achievements; and

Whereas the importance of the celebration of this unusual event is heartily appreciated by the people and by the Government of the United States of America; and

Whereas it is imperative that some city of ideal location and undisputed fitness be chosen as the place for holding the celebration; and

Whereas the State of California and the city of San Francisco have both displayed unprecedented enterprise by subscribing to a fund aggregating \$17,500,000 for the purpose of commemorating the completion of the Panama Canal in the event the city of San Francisco is selected as the site; and

Whereas the city of San Francisco possesses so bountifully the essential qualities of enterprise, fitness, and liberality, which, with her world's accessibility and salubrity of climate, make her an incomparable selection: Therefore be it

Resolved, That your memorialists approve of the commemoration of the completion of the Panama Canal.

Second. That we strongly favor the selection of the city of San Francisco, State of California, as a place for the celebration of the completion of the Panama Canal.

Third. That a copy of this memorial be forthwith forwarded to each of our Senators and Representatives in Congress with the request that they present the same, and that they exert all possible efforts to have the wishes of this State as contained in this memorial carried out, and that they be further requested to present a copy of these resolutions to the President of these United States, President of the United States Senate, and Speaker of the House of Representatives.

Passed by the Senate January 23, 1911.

STEPHEN R. FITZGERALD, Lieutenant Governor.

Attest:

CHAS. H. LECKENBY, Secretary of the Senate.

Passed by the house January 23, 1911.

GEORGE McLACHLAN,
Speaker of the House of Representatives.

Attest:

FRANK LEARY, Chief Clerk.

Mr. OLIVER presented petitions of Journeymen Painters' Union, No. 530, of New Brighton; of Journeymen Barbers' Union, No. 248, of Dubois; and of Glass Bottle Blowers' Association of Royersford, all in the State of Pennsylvania, praying for the repeal of the present oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the State Federation of Women of Pennsylvania, of Pittsburg, Pa., and a petition of the Congress of Women's Clubs of Western Pennsylvania, of Pittsburg, Pa., praying for the passage of the so-called childrens' bureau bill, which were ordered to lie on the table.

He also presented petitions of Colonel W. H. Ent Post, No. 250; Colonel H. I. Zinn Post, No. 415; Goodrich Post, No. 22; A. G. Reed Post, No. 105; Robert Porter Post, No. 326; J. W. Stephens Post, No. 111; John S. Bittner Post, No. 128; John F. Croll Post, No. 156; Lieutenant S. C. Potts Post, No. 62; Captain William Stewart Post, No. 573; Bryson Post, No. 225; Robison Post, No. 20; William R. Foster Post, No. 247; John W. Patterson Post, No. 151; and Gregg Tucker Post, No. 52, all of the Department of Pennsylvania, Grand Army of the Republic; of the Seventh Pennsylvania Veteran Volunteer Cavalry Association, of Pittsburg; the Veterans' Association of Pittston;

and of S. B. Morgan Camp, No. 225, Sons of Veterans, of Watsonstown, all in the State of Pennsylvania, praying for the passage of the so-called old-age pension bill, which were referred to the Committee on Pensions.

Mr. NIXON presented a petition of the Washoe Building Trades Council, of Reno, Nev., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of Cherry Creek and Tonopah, in the State of Nevada, remonstrating against the passage of the so-called rural parcels-post bill, which was ordered to lie on the table.

He also presented a petition of Local Lodge No. 726, Brotherhood of Railroad Trainmen, of Tonopah, Nev., and a petition of Local Lodge No. 19, Brotherhood of Locomotive Firemen and Engineers, of Sparks, Nev., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which were referred to the Committee on Post Offices and Post Roads.

Mr. DICK presented memorials of sundry citizens of Canton, Toledo, Cincinnati, Akron, Dayton, Hamilton, Cleveland, Columbus, and Mansfield, all in the State of Ohio, remonstrating against the establishment of a national department of health, which were referred to the Committee on Public Health and National Quarantine.

He also presented petitions of Local Unions Nos. 27, 218, 303, and 430, all of the International Molders' Union, of Cleveland; of the Shakespeare Club, of Pomeroy; and of the Trades and Labor Council, of East Liverpool, all in the State of Ohio, praying for the repeal of the present oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of H. W. Monter & Co., of Cincinnati; the Register Publishing Co., of Sandusky; and the Sidney Printing & Publishing Co., of Sidney, all in the State of Ohio, praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry members of the Grand Army of the Republic, of Woodfield, Ohio, praying for the passage of the so-called old-age pension bill, which was referred to the Committee on Pensions.

He also presented a memorial of the Supreme Commandery, Knights of St. John, of Columbus, Ohio, and a memorial of the Lucas County Federation of Catholic Societies, of Toledo, Ohio, remonstrating against any appropriation being made for the extension of the work of the National Bureau of Education, which were referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens and business firms of Lancaster and Hooker, in the State of Ohio, praying that an appropriation be made for the improvement of the Hocking River, in that State, which were referred to the Committee on Commerce.

Mr. BEVERIDGE. I present a petition of the National Board of Trade, praying for the passage of the Senate bill to establish a United States court of patent appeals. I will state that this bill was recommended by the National Bar Association and presented to the Senate. I ask that the petition be printed in the Record and referred to the Committee on Patents.

There being no objection, the petition was referred to the Committee on Patents and ordered to be printed in the Record, as follows:

NATIONAL BOARD OF TRADE.

(Organized 1868.)

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The National Board of Trade is made up of a large number of commercial and manufacturing associations and bodies from all parts of the United States, which are organized for the general benefit in matters of public concern and not for private purposes. It respectfully presents this memorial to Congress.

The National Board of Trade, its members, and all individuals engaged in business throughout the United States are deeply concerned in the passage of the pending bill (H. R. 14622 and S. 4982) to establish a United States court of patent appeals. The business interests of the entire country are vitally affected by the administration of the patent law, and the uncertainty and confusion which inevitably result in that branch of jurisprudence from the divided jurisdiction vested in nine independent United States circuit courts of appeals is a serious loss and injury to the whole community.

Therefore your memorialist asks of Congress speedy consideration of said bill and its enactment as law.

Presented in pursuance of a vote of the National Board of Trade at its annual meeting at Washington, D. C., January 17, 1911.

FRANK D. LALANNE, President.

True copy.

T. P. TUCKER, Secretary.

Mr. BEVERIDGE. I present a resolution in the form of a telegram from the Indiana Republican Editorial Association, and ask that it be read. It consists of only three or four lines.

There being no objection, the telegram was read and referred to the Committee on Post Offices and Post Roads, as follows:

INDIANAPOLIS, IND., January 27, 1911.

Senator ALBERT J. BEVERIDGE, Washington, D. C.:

The Indiana Republican Editorial Association unanimously indorses the Nelson bill, in reference to printing envelopes, and urgently requests the Members of Congress from Indiana to support it. It is time for the Government to go out of the job-printing business. This is not politics, but business.

J. W. COCKRUM, Secretary.

Mr. BURKETT presented a petition of sundry employees of the Union Pacific Railroad Co. in the State of Nebraska, praying for the enactment of legislation authorizing the railroads to charge higher rates for transportation, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of sundry citizens of Wahoo, Nebr., remonstrating against the passage of the so-called rural parcels-post bill, which was ordered to lie on the table.

He also presented a petition of the Nebraska Farmers' Congress, praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

Mr. YOUNG presented a petition of Fulton Lodge, No. 301, Brotherhood of Railway Carmen of America, of Valley Junction, Iowa, and a petition of Hand in Hand Lodge, No. 183, Brotherhood of Railroad Trainmen, of Clinton, Iowa, praying for the repeal of the present oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Woman's Club of Guthrie Center, Iowa, praying that an investigation be made into the condition of dairy products for the prevention and spread of tuberculosis, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the board of education of the independent school district of Keokuk, Iowa, praying for the enactment of legislation for the promotion of vocational education, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the American Federation of Labor, praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented memorials of sundry citizens of Bedford, Polk, Humeston, Prairie City, Washington, Aspinwall, Hamburg, Wiota, Sidney, Ottumwa, Gravity, Ashley, Marcus, Grable, Ticonic, De Witt, Clemans, Owasa, Sibley, Audubon, Ransom, Tabor, Grout, Glidden, Creston, Dubuque, and Clinton, all in the State of Iowa, remonstrating against the passage of the so-called parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Printers' Board of Trade of Los Angeles, Cal., praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Ben Franklin Chapter, Sons of the American Revolution, of Des Moines, Iowa, praying that an appropriation be made for the building of a suitable crypt at Annapolis, Md., for the custody of the remains of John Paul Jones, which was ordered to lie on the table.

He also presented a petition of the Commercial Club of Oskaloosa, Iowa, praying that an appropriation be made to provide suitable homes for American representatives in foreign countries, which was referred to the Committee on Foreign Relations.

He also presented petitions of Local Lodges No. 283, of Sigourney; No. 109, of Toronto; No. 915, of Drakesville; No. 287, of Grand Mound; No. 120, of De Witt; No. 487, of Osterdock; No. 57, of Waterloo; No. 61, of Canton; No. 649, of Osborne; No. 647, of Saratoga; No. 127, of Gladbrook; No. 179, of Lewis; No. 77, of Nashville; No. 55, of Walker; No. 96, of Calamus; No. 100, of Vining; No. 151, of Miles; No. 13, of Vinton; No. 1701, of Des Moines; No. 43, of Blairstown, all of the Modern Brotherhood of America; and of Local Camps No. 137, of Waterloo; No. 87, of Des Moines; No. 68, of Logan; No. 76, of Denison, all of the Woodmen of the World; and of Local Lodges of Belle Plaine, Ottumwa, Fort Dodge, Eagle Grove, and Valley Junction, all of the Brotherhood of Railway Trainmen; and of Hawkeye Lodge, No. 27, Brotherhood of Locomotive Firemen and Engineers, of Cedar Rapids, all in the State of Iowa, praying for the enactment of legislation authorizing the admission of publications of fraternal societies to the mail as second-class matter, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the commanders of the Grand Army of the Republic Posts of Miles, Independence, Rockwell

City, Jesup, Shelby, Fort Madison, Grand Junction, Burlington, Prairie City, Hazleton, Afton, West Union, Oskaloosa, Keokuk, Adel, Woodward, Newton, Murray, Dedham, Kingsley, Monona, Maquoketa, What Cheer, Guthrie Center, Corydon, Sibley, Lake City, Mason City, Rolfe, Marshalltown, and Kirkwood, and of the adjutants of the Grand Army of the Republic Posts of Vilisca, Council Bluffs, Cascade, and West Liberty, and of the Grand Army of the Republic Posts of Waucoma, Urbana, Belle Plaine, Nodaway, Riceville, Grand Junction, Red Oak, Winthrop, Blanchard, Seymour, and Tripoli, all of the Department of Iowa, in the State of Iowa, praying for the passage of the so-called old-age pension bill, which were referred to the Committee on Pensions.

He also presented a petition of sundry employees of the Union Pacific Railroad Co. in the State of Iowa, praying for the enactment of legislation authorizing railroads to charge higher rates for transportation, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Fifty-third Regiment Iowa National Guard, of Vinton, Iowa, praying for the enactment of legislation to promote the interests of the National Guard, which was referred to the Committee on Military Affairs.

Mr. TAYLOR presented petitions of Magnolia Camp, No. 51, of Humboldt; Old Hickory Camp, No. 13, of Covington; Gibson Camp, No. 96, of Gibson; Magnolia Camp, No. 11, of Memphis; Centennial Camp, No. 31, of Nashville; Forest Grove Camp, No. 265, of Forest Grove; Oak Camp, No. 30, of Gallatin; Reelfoot Camp, No. 19, of Union City; Hurricane Camp, No. 290, of Hurricane Mills; Maple Camp, No. 166, of Dancyville; Wildwood Camp, No. 16, of Cleveland; Cottage Grove Camp, No. 203, of Cottage Grove; Magnolia Camp, No. 132, of Martin; Maple Camp, No. 143, of Glendale; Beechgrove Camp, No. 285, of Huron; Beech Camp, No. 357, of Shackel Island; Hickory Camp, No. 12, of Jackson; Big Rock Camp, No. 471, of Big Rock; Blanch Camp, No. 356, of Blanch; Cedar Grove Camp, No. 231, of Vale; Simmons Camp, No. 425, of Moltke; Sequatchie Camp, No. 462, of Litton; Onward Camp, No. 118, of Cave; Jacks Creek Camp, No. 431, of Jacks Creek; Live Oak Camp, No. 5, of Memphis; Melrose Camp, No. 50, of Savannah; Chattanooga Camp, No. 6, of Chattanooga; Post Oak Camp, No. 204, of Thorpe; Burns Camp, No. 325, of Burns, all of the Woodmen of the World, in the State of Tennessee, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which were referred to the Committee on Post Offices and Post Roads.

Mr. PURCELL presented memorials of sundry citizens and business firms of Fargo, Casselton, Tower City, Larimore, Lidgerwood, Cando, Wahpeton, Valley City, Oakes, and Grand Forks, all in the State of North Dakota, remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the General Federation of Women's Clubs, praying for the enactment of legislation providing for the preservation of the forests at the headwaters of navigable streams, which was ordered to lie on the table.

He also presented petitions of sundry local lodges of Elm Point, Webster, Baldwin, Sherbrook, Tiffany, Carrington, Fullerton, Finley, Grafton, and Dazey, all of the Modern Brotherhood of America; and a petition of director of the State public health laboratories, all in the State of North Dakota, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Vaughan Paint Co., of Cleveland, Ohio, remonstrating against the passage of the so-called Heyburn paint bill, which was ordered to lie on the table.

Mr. WARREN. I present a joint memorial of the Legislature of the State of Washington, favoring the donation of lands in the abandoned Fort Walla Walla Military Reservation to Whitman College. I ask that the joint memorial lie on the table and be printed in the RECORD, as the subject matter has already been acted upon by the Senate, and is now in the other House.

There being no objection, the joint memorial was ordered to lie on the table and to be printed in the RECORD, as follows:

Senate joint memorial 2.

To the President and Congress of the United States of America:

Your memorialist, the Legislature of the State of Washington, prays that the land and buildings comprising the Fort Walla Walla Military Reservation and Barracks may be granted to Whitman College. The reasons deemed sufficient to justify this memorial are set forth in the following statement:

The War Department has determined that the military service does not require the maintenance of a military post at Fort Walla Walla, and

the troops have been withdrawn except a few necessary caretakers, so that in future the preservation of the property will be a burden upon the Government, without any compensating benefit.

The property is, by reason of its situation and character, adapted to the needs of Whitman College, its use by the college will be the best use to which it can be devoted, and the Nation will derive the greatest benefit from the property by intrusting it to an institution in every way worthy and capable of using it in the cause of higher education.

There is within the boundaries of the reservation a soldiers' cemetery containing the graves of a number of men who died while in the military service of the United States. This cemetery has been well kept by the officers and soldiers heretofore stationed at Fort Walla Walla, and if the prayer of your memorialist shall be granted the trustees of Whitman College will assume an obligation to so care for this soldiers' cemetery as to show, perpetually, the respect due to our country's defenders.

Texas and Hawaii became annexed to the United States without contributing anything to the wealth of the Nation as a land proprietor, and other acquisitions of territory except the Oregon country were purchased and paid for out of the National Treasury, but more than 300,000 square miles of country, comprising the States of Oregon, Washington, Idaho, and parts of Montana and Wyoming became part of our national domain through the instrumentality of patriotic pioneers, of whom Dr. Marcus Whitman was a type and a leader. They penetrated the wilderness and wrested that country with its wealth of land, forests, mines, waters, and fisheries from the grasp of a foreign corporation and held it until the growth of public sentiment forced the Government to bring to a conclusion the diplomatic controversy with respect to its ownership by the treaty with Great Britain of 1846, whereby the American title was finally recognized and established.

The scene of one of the tragedies of American history is in the immediate vicinity of Fort Walla Walla. There a monument commemorates the lives of Dr. Whitman and his wife and a dozen of their associates, part of the vanguard of American civilization who were massacred by the aboriginal inhabitants. Our Nation loves to honor those whose names illuminate the pages of its history. For that purpose the Government has willingly expended liberal appropriations in payment for statuary, monuments, and paintings produced by the most talented artists of the world, and the granting of Fort Walla Walla as a contribution to the college founded by an intimate friend of Whitman to honor his * * * turn for the national aggrandizement resulting directly from the exertion, privations, and sacrifices of the Oregon pioneers, the Nation can well afford to bestow one section of land and the buildings which it does not require for use as a gift to an institution of learning which the people of the three Northwestern States have adopted as an object of their solicitude and pride.

Whitman College is a privately endowed, nonsectarian Christian college intended to supply the need of those States for such an institution of higher education. It commands the respect and has the earnest sympathy of learned people and good people in every section of the United States, and its destiny is to grow in importance as the country surrounding it shall advance in all the ways that mark the development of arts and sciences.

The State of Washington and its citizens have paid for and donated to the United States the land comprised within two military posts, viz, Fort Lawton, near Seattle, and Fort Wright, near Spokane, each including more than 1,000 acres. These lands were purchased after they had become valuable and after they had been selected for military use, and the acquisition thereof for the use of the Government involved labor and patience on the part of public-spirited citizens in soliciting contributions of land and money and in overcoming objections of owners, and their present value is many times greater than the highest estimate of the value of Fort Walla Walla.

Passed by the senate January 16, 1911.

W. H. PAULHAMUS, *President of the Senate.*

Passed by the house January 16, 1911.

HOWARD D. TAYLOR, *Speaker of the House.*

THE STATE OF WASHINGTON,
DEPARTMENT OF STATE.

To all to whom these presents shall come:

I, I. M. Howell, secretary of state of the State of Washington and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 2, of the session of 1911, relative to the Fort Walla Walla Military Reservation and Barracks, with the original copy of said memorial as enrolled, now on file in this office, and find the same to be a full, true, and correct copy of said original, and of the whole thereof, together with all official indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Washington.

Done at the capitol at Olympia, this 18th day of January, A. D. 1911.
[SEAL.] I. M. HOWELL, *Secretary of State.*

Mr. CULLOM. I present a large number of petitions from Grand Army posts and sundry citizens of the State of Illinois, praying for the passage of the so-called old-age pension bill. I ask that the petitions be referred to the Committee on Pensions.

The motion was agreed to.

Mr. CULLOM presented a petition of the Federation of Labor of Springfield, Ill., and a petition of the Federation of Labor of Chicago, Ill., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of Local Union No. 153, International Molders' Union, of Harvey, Ill., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Association of Commerce, of Chicago, Ill., praying for the establishment of a permanent tariff commission, which was referred to the Committee on Finance.

Mr. PERKINS presented petitions of Local Councils No. 568, of Le Grand; No. 419, of East San Jose; No. 512, of Chino; No. 593, of Palms; No. 429, of San Diego; No. 178, of Pasadena; No. 109, of Compton; No. 840, of Oakland; No. 128, of Melrose; No. 134, of Anaheim; No. 466, of San Bernardino; No. 213, of Norwalk; No. 325, of Tulare; No. 557, of Redwood City; No. 866, of La Habra; No. 293, of Long Beach; No. 556, of Lindsay; No. 141, of Los Angeles; No. 248, of Hollister; No. 594, of Los Angeles; No. 147, of Los Angeles; No. 107, of Riverside; No. 835, of Las Gatos; No. 470, of Hemet; No. 100, of Corona; No. 759, of South Pasadena; No. 830, of Los Angeles; No. 84, of Pomona; No. 94, of Cucamonga; No. 711, of San Martin; No. 276, of Saratoga; No. 122, of Santa Ana; No. 717, of Los Angeles; No. 371, of Simi; No. 545, of Artesia; No. 114, of Whittier; No. 824, of Santa Rosa; No. 466, of San Bernardino; No. 525, of Covina; No. 877, of Los Angeles; No. 560, of Campbell; No. 570, of Gilroy; No. 231, of Fresno; and No. 444, of Morgan Hill, all of the Fraternal Aid Association, in the State of California, praying for the enactment of legislation authorizing the admission of publications of fraternal societies to the mail as second-class matter, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Santa Clara Asiatic Exclusion League of California, praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. JONES presented memorials of sundry citizens of Walla Walla, Sprague, and Valley, all in the State of Washington, remonstrating against the passage of the so-called parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

Mr. SCOTT presented petitions of the H. P. Moss Bookstore Co., of Parkersburg; of the Tribune Printing Co.; the News Mail Co.; the Republican Daily Lovett Printing Co.; the Morgan & Frazer Printing Co.; the Union Publishing Co.; and the State Printers, of Charleston, all in the State of West Virginia, praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of Holly Camp, No. 26, Woodmen of the World, of Rowlesburg; Hinton Lodge, No. 236, Brotherhood of Locomotive Firemen and Enginemen, of Hinton; and Tygarts Valley Lodge, No. 792, Brotherhood of Railway Trainmen, of Elkins, all in the State of West Virginia, praying for the enactment of legislation authorizing the admission of publications of fraternal societies to the mail as second-class matter, which were referred to the Committee on Post Offices and Post Roads.

Mr. CURTIS presented a memorial of sundry citizens of Atchison, Kans., remonstrating against the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Lodge No. 783, Modern Brotherhood of America, of Westphalia, Kans., praying for the enactment of legislation authorizing the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. PILES presented a petition of the Chamber of Commerce of Seattle, Wash., praying for the readjustment of the reclamation funds so as to provide for the completion of the Kittitas irrigation project in that State, which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. ROOT presented a petition of the Kings County Republican Club, of Brooklyn, N. Y., praying for the enactment of legislation providing for the building of all battleships in Government navy yards, which was referred to the Committee on Naval Affairs.

Mr. DEPEW presented petitions of Henry Gridley Post, No. 617; Warwick Post, No. 529; Fairchild Post, No. 564; Post 515; Gen. John B. Murray Post, No. 597; A. M. Cook Post, No. 326; Sheridan-Ellsworth Post, No. 67; W. J. Hunt Post, No. 510; G. D. Bayard Post, No. 222; Adam Wirth Post, No. 451; General Logan Post, No. 539; Captain William A. Jackson Post, No. 301; Binghamton Post, No. 74; John McConihl Post, No. 18; Gordon Granger Post, No. 7; Gilsa Post, No. 264; James T. Rice Post, No. 29; Marcy Post, No. 507; John A. Andrew Post, No. 234; Rankin Post, No. 10, Department of New York, Grand Army of the Republic, all in the State of New York, praying for the passage of the so-called old-age pension bill, which were referred to the Committee on Pensions.

Mr. CARTER presented a joint memorial of the Legislature of the State of Montana, which was referred to the Committee

on Public Lands and ordered to be printed in the RECORD, as follows:

Senate joint memorial 3.

To the honorable Senators and Representatives of the United States in Congress assembled:

Whereas it was the manifest intention of Congress when the Territory of Montana was admitted into the Union as a State to set aside and donate public lands to it in the establishment of all public institutions, following long-established precedent; and

Whereas through oversight and inadvertence no donation was made on account of the State Insane Asylum, as was the case in other States; and

Whereas there is now pending before the Sixty-first Congress of the United States a bill providing for a grant of 50,000 acres of the unappropriated lands of the United States lying and being within the borders of the State of Montana in the aid and on account of the asylum for the insane: Now, therefore be it

Resolved, That we, your memorialists, petition and earnestly urge that there be set aside and donated 50,000 acres out of and from the unappropriated lands of the United States, lying and being within the borders of the State of Montana, in the aid and on account of the asylum for the insane; and be it further

Resolved, That we, your memorialists, do petition and earnestly urge that you do, during the present session of the Sixty-first Congress, enact into law the Senate bill introduced by Senator THOMAS H. CARTER providing for the setting aside and donation of 50,000 acres of the unappropriated lands of the United States lying and being within the borders of the State of Montana in the aid and on account of the asylum for the insane; and be it further

Resolved, That the Secretary of the State of Montana be, and is hereby, instructed to forthwith transmit copies of this memorial, properly authenticated, to the President of the United States, the Secretary of the Interior, and to our Senators and Representatives in Congress.

W. R. ALLEN, *President of the Senate*.

W. W. McDOWELL, *Speaker of the House*.

Approved January 18, 1911.

EDWIN L. NORRIS, *Governor*.

Filed January 18, 1911.

A. N. YODER, *Secretary of State*.

UNITED STATES OF AMERICA,
State of Montana, ss:

I, A. N. Yoder, secretary of state of the State of Montana, do hereby certify that the above is a true and correct copy of senate joint memorial No. 3, relating to the donation of land for the State Insane Asylum, enacted by the Twelfth Legislative Assembly of the State of Montana, and approved by Edwin L. Norris, governor of said State, on the 18th day of January, A. D. 1911.

In testimony whereof I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this 19th day of January, A. D. 1911.

[SEAL.]

A. N. YODER, *Secretary of State*.

Mr. SUTHERLAND. I present a concurrent resolution of the Legislature of the State of Utah, which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the concurrent resolution was referred to the Committee on Military Affairs, and ordered to be printed in the RECORD, as follows:

Whereas the Nation is under lasting obligation to the men who preserved the Union during the dark days of 1861 to 1865: Therefore be it

Resolved, By the Legislature of the State of Utah—
SEC. 1. That we respectfully request the Senators and Representative at large from the State of Utah to aid in the prompt enactment of the measure now pending before the Congress of the United States represented by Senate bill 4183 and House bill 18899, entitled, respectively, "To create in the War Department and Navy Department, respectively, a roll designated as 'The Civil War volunteer retired list,' to authorize placing thereon with retired pay certain surviving officers and enlisted men who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes."

SEC. 2. That a copy of this concurrent resolution be transmitted to the Senators and Representative at large from the State of Utah.

HENRY GARDNER, *President of the Senate*.
E. W. ROBINSON, *Speaker of the House*.

Senate concurrent resolution 4.

This is to certify that senate concurrent resolution No. 4, by Mr. Badger, entitled "A resolution to the Congress of the United States to create in the War Department and Navy Department, respectively, a roll designated as 'The Civil War volunteer retired list,'" originated in the senate on the 17th day of January, 1911, and was passed by the senate on the 18th day of January, 1911, by the following vote: Yeas 17, nays 0, absent 1.

J. A. EDWARDS, *Secretary of the Senate*.

This is to certify that senate concurrent resolution No. 4, by Mr. Badger, entitled "A resolution to the Congress of the United States to create in the War Department and Navy Department a roll designated as 'The Civil War volunteer retired list,'" was received in the house on the 18th day of January, 1911, and was passed by the house on the 18th day of January, 1911, by the following vote: Yeas 42, nays 0, absent 3.

WM. M. THOMPSON, *Chief Clerk of the House*.

Transmitted to the secretary of state on this 24th day of January, 1911.

J. A. EDWARDS, *Secretary of the Senate*.

Mr. HEYBURN. I present a concurrent resolution of the Legislature of the State of Idaho, which I ask may be printed

in the RECORD and referred to the Committee on Industrial Expositions.

There being no objection, the concurrent resolution was referred to the Committee on Industrial Expositions and ordered to be printed in the RECORD, as follows:

Senate concurrent resolution 2.

Be it resolved by the senate (the house of representatives concurring), That the people of California having through their own efforts raised the sum of \$17,500,000 to be devoted to the purposes of the Panama-Pacific International Exposition to be held at the city of San Francisco, State of California, in 1915, have thereby gained the support and co-operation of all the States of the Pacific slope, which are destined to profit through the holding of this great celebration; and

That the Government of the United States has been given satisfactory assurance that the undertaking will be financed and successfully accomplished through the joint efforts of the Western States; and

That the opening of the Panama Canal is of first importance to the Pacific coast and all tributary communities;

Wherefore we respectfully request the Congress of the United States to sanction the holding of the international celebration of 1915 at the city of San Francisco, State of California.

The within senate concurrent resolution No. 2 passed the senate on the 18th day of January, 1911.

L. H. SWEETSER, *President of the Senate*.

The within senate concurrent resolution No. 2 passed the house of representatives on the 18th day of January, 1911.

CHARLES D. STOREY,

Speaker of the House of Representatives.

I hereby certify that the within senate concurrent resolution No. 2 originated in the senate of the eleventh session of the Legislature of the State of Idaho.

CHAS. W. DEMPSTER, *Secretary of the Senate*.

REPORTS OF COMMITTEES.

Mr. MARTIN, from the Committee on Commerce, to which was referred the bill (S. 10376) to authorize Hamilton County, Tenn., to construct, maintain, and operate a bridge across the Tennessee River at Chattanooga, Tenn., reported it with an amendment and submitted a report (No. 1018) thereon.

Mr. ROOT, from the Committee on the Library, to which was referred the bill (S. 10491) to incorporate the Carnegie Endowment for International Peace, reported it without amendment.

Mr. HEYBURN, from the Committee on Public Lands, to which was referred the bill (S. 10105) to authorize the exchange of certain lands with the Northern Pacific Railway Co., reported it with amendments and submitted a report (No. 1022) thereon.

Mr. NELSON, from the Committee on Public Lands, to which was referred the bill (S. 9955) to provide for the leasing of coal and coal lands in the Territory of Alaska, reported it with amendments and submitted a report (No. 1023) thereon.

He also, from the same committee, to which was referred the amendment submitted by himself on the 26th instant, proposing to appropriate \$100,000 for the survey of lands of the United States in the District of Alaska, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and be printed, which was agreed to.

Mr. CLAPP. On the 27th instant the Senator from New York [Mr. DEWEY] introduced a bill (S. 10527) to ratify and confirm a lease between the Seneca Nation of Indians and Edward Bolard, which was read twice by its title and referred to the Committee on Indian Affairs. I am directed by that committee to report the bill in the nature of an amendment intended to be proposed to the sundry civil appropriation bill, and I submit a report (No. 1024) thereon. I move that it be printed and referred to the Committee on Appropriations.

FUNERAL EXPENSES OF THE LATE SENATOR JOHNSON.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 329, submitted by Mr. McCUMBER on the 27th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate the actual and necessary expenses incurred in the funeral of the late Senator Martin N. Johnson, from the State of North Dakota, vouchers for the same to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

WHITE RIVER (MO.) DAM.

Mr. STONE. From the Committee on Commerce I report back favorably without amendment the bill (S. 10268) granting to the Ozark Power & Water Co. authority to construct a dam across White River, Mo., and I submit a report (No. 1019) thereon. I ask for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SHERIDAN RAILWAY & LIGHT CO., WYOMING.

Mr. WARREN. From the Committee on Military Affairs I report back with amendments the bill (S. 9903) to authorize the Sheridan Railway & Light Co. to construct and operate a railway, telegraph, telephone, and trolley line through the Fort Mackenzie Military Reservation, and for other purposes, and I submit a report (No. 1020) thereon. I ask for the immediate consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments were, on page 1, line 7, after the word "telephone," to insert the words "electric power;" in section 2, line 12, after the word "telephone," to insert the words "electric power;" on page 2, line 11, after the word "telephone," to insert the words "electric power;" and to strike out section 3 of the bill, so as to make the bill read:

Be it enacted, etc., That the Sheridan Railway & Light Co., a corporation created under and by virtue of the laws of the State of Wyoming, be, and the same is hereby, empowered to survey, locate, construct, maintain, and operate railway, telegraph, telephone, electric power, and trolley lines through the Fort Mackenzie Military Reservation, in Sheridan County, State of Wyoming, upon such terms and in such location as may be determined and approved by the Secretary of War.

Sec. 2. That said corporation is authorized to occupy and use for all purposes of railway, telegraph, telephone, electric power, and trolley lines, and for no other purpose, a right of way 50 feet in width through said Fort Mackenzie Military Reservation, with the right to use such additional ground where cuts and fills may be necessary for the construction and maintenance of the roadbed, not exceeding 100 feet in width, or as much thereof as may be included in said cut or fill: *Provided*, That no part of the land herein authorized to be occupied shall be used except in such manner and for such purposes as shall be necessary for the construction and convenient operation of said railway, telegraph, telephone, electric power, and trolley lines; and when any portion thereof shall cease to be so used such portion shall revert to the United States: *Provided further*, That before the said railway company shall be permitted to enter upon any part of said military reservation a description by metes and bounds of the land herein authorized to be occupied or used shall be approved by the Secretary of War: *Provided further*, That the said railway company shall comply with such other regulations and conditions in the maintenance and operation of said road as may from time to time be prescribed by the Secretary of War.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Sheridan Railway & Light Co. to construct and operate a railway, telegraph, telephone, electric power, and trolley lines through the Fort Mackenzie Military Reservation, and for other purposes."

DAVID EDDINGTON.

Mr. SMOOT. From the Committee on Public Lands I report back favorably with an amendment the bill (S. 10357) authorizing the Secretary of the Interior to issue patent to David Eddington covering homestead entry, and I submit a report (No. 1021) thereon. I ask for the immediate consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was to add at the end of the bill the following proviso:

Provided, That the patent which shall issue to the said David Eddington shall reserve the coal to the Government under the act of March 3, 1909.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause patent to issue to David Eddington for the northwest quarter of section 20 in township 5 north, range 5 east, Salt Lake meridian, in the Salt Lake land district, Utah, upon proof of compliance with the homestead laws in the matter of residence and cultivation: *Provided*, That the patent which shall issue to the said David Eddington shall reserve the coal to the Government under the act of March 3, 1909.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARIES COUNTY, MO.

Mr. WARNER. I am directed by the Committee on the Judiciary, to which was referred the bill (H. R. 21220) transferring Maries County to the eastern division of the eastern judicial district of Missouri, to report it without amendment, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred, as follows:

By Mr. SMOOT:

A bill (S. 10531) regulating the manner of appointing collectors of internal revenue and other officials; to the Committee on Finance.

By Mr. TERRELL:

A bill (S. 10532) for the relief of the executors or administrators of Columbus D. Smith, deceased; to the Committee on Claims.

By Mr. TAYLOR:

A bill (S. 10533) to establish a national military park at the battlefield of Stone River; to the Committee on Military Affairs.

A bill (S. 10534) for the relief of the heirs at law of Louisa G. Zollicoffer, deceased; to the Committee on Claims.

By Mr. HALE:

A bill (S. 10535) granting an increase of pension to Elizabeth A. Marr (with accompanying papers); to the Committee on Pensions.

By Mr. SCOTT:

A bill (S. 10536) directing the Secretary of War to convey the outstanding legal title of the United States to lot No. 20, square 253, in the city of Washington, D. C. (with accompanying paper); to the Committee on the District of Columbia.

A bill (S. 10537) for the relief of Elias E. Barnes (with accompanying paper); to the Committee on Claims.

A bill (S. 10538) granting an increase of pension to John W. Patterson (with accompanying papers); and

A bill (S. 10539) granting an increase of pension to Renhard Habig (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 10540) providing for the right of appeal in Indian cases in the Court of Claims (with accompanying papers); to the Committee on the Judiciary.

By Mr. WARREN:

A bill (S. 10541) granting an increase of pension to Mary A. Hubbell (with accompanying paper); to the Committee on Pensions.

By Mr. GUGGENHEIM:

A bill (S. 10542) granting an increase of pension to Henry Andrews (with accompanying paper);

A bill (S. 10543) granting an increase of pension to Charles H. Edgecomb (with accompanying paper);

A bill (S. 10544) granting an increase of pension to David Frazier (with accompanying papers);

A bill (S. 10545) granting an increase of pension to Elmer D. Hackett (with accompanying papers);

A bill (S. 10546) granting an increase of pension to Sylvester J. Hervey (with accompanying papers);

A bill (S. 10547) granting an increase of pension to Gordon Kimball (with accompanying papers);

A bill (S. 10548) granting an increase of pension to Sarah F. Meade (with accompanying papers);

A bill (S. 10549) granting a pension to Francis E. Searway (with accompanying papers);

A bill (S. 10550) granting an increase of pension to Thomas H. Shields (with accompanying paper);

A bill (S. 10551) granting an increase of pension to Michael R. Shultz (with accompanying papers);

A bill (S. 10552) granting an increase of pension to Betsey B. Simons (with accompanying paper);

A bill (S. 10553) granting an increase of pension to Charles Stewart (with accompanying papers); and

A bill (S. 10554) granting an increase of pension to John W. Watsbaugh (with accompanying papers); to the Committee on Pensions.

By Mr. DICK:

A bill (S. 10555) granting a pension to Susan M. Carey;

A bill (S. 10556) granting an increase of pension to Francis M. Whitelaw; and

A bill (S. 10557) granting an increase of pension to Hannah L. Uhler; to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 10558) to provide for the improvement of navigation in the St. Lawrence River and for the construction of dams,

locks, canals, and other appurtenant structures therein at and near Long Sault, Barnhart, and Sheek Islands; to the Committee on Commerce.

By Mr. TALIAFERRO:

A bill (S. 10559) to designate St. Andrews, Fla., as a subport of entry (with accompanying papers); to the Committee on Commerce.

By Mr. CHAMBERLAIN:

A bill (S. 10560) to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906; to the Committee on Manufactures.

By Mr. KEAN:

A bill (S. 10561) for the relief of Richard P. McCullough; to the Committee on Naval Affairs.

A bill (S. 10562) to establish in the Treasury Department the office of auditor of the Treasury, and for other purposes; to the Committee on Finance.

By Mr. YOUNG:

A bill (S. 10563) granting an increase of pension to James Moneyhan (with accompanying papers);

A bill (S. 10564) granting an increase of pension to Christopher C. Liming;

A bill (S. 10565) granting an increase of pension to Howland P. Kneeland;

A bill (S. 10566) granting an increase of pension to James M. McKain;

A bill (S. 10567) granting an increase of pension to George W. Lafferty;

A bill (S. 10568) granting an increase of pension to Martin Ouder Kirk (with accompanying papers);

A bill (S. 10569) granting an increase of pension to Sarah Midy (with accompanying paper); and

A bill (S. 10570) granting a pension to John G. Riley (with accompanying papers); to the Committee on Pensions.

By Mr. CRANE:

A bill (S. 10571) granting a pension to Harry Puddefoot; to the Committee on Pensions.

By Mr. BURTON:

A bill (S. 10572) granting an increase of pension to John H. Mumaw (with accompanying papers); to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 10573) granting an increase of pension to William H. Bogue; to the Committee on Pensions.

By Mr. BAILEY (by request):

A bill (S. 10574) to amend an act entitled "An act providing for the withdrawal from public entry of lands needed for town-site purposes in connection with irrigation projects under the reclamation act of June 17, 1902, and for other purposes," approved April 16, 1906; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. OWEN:

A bill (S. 10575) to authorize William Brown and Levi B. Gritts to institute and prosecute suits in the Court of Claims in a certain case; to the Committee on Indian Affairs.

By Mr. BRISTOW (by request):

A joint resolution (S. J. Res. 138) proposing an amendment to the Constitution of the United States respecting the manner of amending the Constitution; to the Committee on the Judiciary.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BULKELEY submitted an amendment proposing to appropriate \$2,000 to pay R. W. Thompson for expert services in the compilation and classification of the insurance laws of the several States for the Senate Committee on the District of Columbia, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on the District of Columbia and ordered to be printed.

He also submitted an amendment proposing to appropriate \$500 to pay O. B. Kilbourn for services in connection with the compilation and classification of the insurance laws of the several States, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on the District of Columbia and ordered to be printed.

Mr. CARTER submitted an amendment proposing to appropriate \$150,000 for improving Sixteenth Street NW. from Kennedy Street to the District line, etc., intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. MARTIN submitted an amendment relative to the settlement of certain sums of money advanced by Virginia and

Maryland in 1790 and 1791, respectively, used toward the erection of public buildings in the District of Columbia, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Claims and ordered to be printed.

He also submitted an amendment proposing to increase the salary of the superintendent of county roads, engineer commissioner's office, District of Columbia, from \$2,000 to \$2,300, intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PENROSE submitted an amendment relative to the pay of veterinarians in the Army, intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

Mr. SMITH of Michigan submitted an amendment proposing to appropriate \$198,000 for improving South Haven Harbor, Mich., intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

REVISION OF LAWS—JUDICIARY TITLE.

Mr. GORE (by request) submitted an amendment intended to be proposed by him to the bill (S. 7031) to codify, revise, and amend the laws relating to the judiciary, which was ordered to lie on the table and be printed.

WITHDRAWAL OF PAPERS—I. N. DE LONG.

On motion of Mr. TALIAFERRO, it was

Ordered, That the papers in the case of I. N. De Long (S. 1727, 59th Cong., 1st sess.) be withdrawn from the files of the Senate, no adverse report having been made thereon.

SURVEY OF WEYMOUTH FORE RIVER, MASS.

Mr. LODGE submitted the following resolution (S. Res. 331), which was considered by unanimous consent and agreed to:

Resolved, That the Chief of Engineers of the Army be instructed to transmit to the Senate the estimates of cost for the improvement of Weymouth Fore River in the State of Massachusetts, the same being now before the board of review.

INDIAN APPROPRIATION BILL.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 28406) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1912, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CLAPP. I move that the Senate insist on its amendments disagreed to by the House of Representatives, and agree to the conference asked by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. CLAPP, Mr. McCUMBER, and Mr. STONE conferees on the part of the Senate.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

H. R. 31724. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

H. R. 32078. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

H. R. 32128. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

INCOME-TAX AMENDMENT.

Mr. HEYBURN. Mr. President, I have a joint resolution of the Legislature of Idaho ratifying, if that is a correct term, the proposed sixteenth amendment to the Constitution of the United States with reference to an income tax, which was submitted to the States. I have had no experience in this matter in regard to the reference. I have marked upon it "to be referred to the Committee on Finance," but I doubt if it should go to any committee. Some older Senator can, perhaps, tell me what the practice is.

The VICE PRESIDENT. It is the recollection of the Chair that the practice is to refer the matter to the State Department.

Mr. HEYBURN. I presume there is an established practice, but it has occurred so seldom in the history of the country that

I send it to the Chair for such action as is proper in the case of the ratification of an amendment of the Constitution.

Mr. CULLOM. I think the State Department is the proper place for it.

The VICE PRESIDENT. If there be no objection, the matter will be referred to the Secretary of State. The Chair thinks that there is where such matters are always sent.

Mr. HALE. Mr. President, the Chair does not suggest, as I understand it, that by order it should be referred to the Secretary of State. I do not think that either House of Congress does that. The matter may lie on the table. A request is made by Congress for information from the departments, but I do not recall any instance where any document coming before the Senate has been in terms referred to a departmental officer. The communications are the other way, from the departments to Congress, when either branch of Congress by resolution or order requests information from a department. I should not want now to consent that any formal reference to a department be made, but I suggest that the matter lie on the table.

The VICE PRESIDENT. Without objection, on the suggestion of the Senator from Maine, the paper will lie on the table for the further disposition of the Senate.

Mr. BROWN. Before that is done, I should like to inquire of the Senator from Idaho, What is the purport of the resolution?

Mr. HEYBURN. The Congress of the United States submitted to the several States a proposed amendment to the Constitution of the United States for their action. The State of Idaho has in formal manner ratified, if that is the proper term, the amendment.

Mr. CULLOM. By its legislature.

Mr. HEYBURN. By its legislature, in a constitutional manner. Perhaps with the exception of one Member of this body this action is not familiar, because the Constitution has not been amended in this way since the fifteenth amendment was adopted.

Mr. BROWN. Will the Senator permit me to inquire if the paper he has offered is a notice from the legislature of that State?

Mr. HEYBURN. It is a certified copy of the action of the legislature. It is the formal manner by which a State acts under its seal and through its legislature to notify Congress that it has adopted or rejected the proposed amendment. I think it should lie upon the table, and, as the Senator from Maine has suggested, we will look up the precedents when the fifteenth amendment was adopted. It seems that we have the honor to be the first State to act upon the proposed amendment to the Constitution.

Mr. HALE. Idaho is a leading State.

Mr. HEYBURN. Mr. President, I will not at this time express my views as to the wisdom of this action. If Idaho sees fit to curtail her field of taxation, that is her responsibility, not mine.

Mr. BROWN. The Senator is mistaken, however, about Idaho being the first State to ratify it.

Mr. HEYBURN. It is the first to come here.

The VICE PRESIDENT. The joint resolution will lie on the table for the further disposition of the Senate.

SENATOR FROM ILLINOIS.

Mr. FRAZIER. Mr. President, on December 21, 1910, the chairman of the Committee on Privileges and Elections [Mr. BURROWS] made a report from the majority of the committee in what is known as the Lorimer case. At that time the following statement was made by the chairman of that committee:

I desire to state in this connection that the Senator from Tennessee [Mr. FRAZIER], a member of the Committee on Privileges and Elections, and also a member of the subcommittee which made the investigation, wires me that—

"I desire you state in your report to Senate that I do not concur, and that I reserve right to file minority report later, if I desire to do so."

"J. B. FRAZIER."

The Senator from Michigan then added:

I make that request on behalf of my colleague, the Senator from Tennessee.

The PRESIDING OFFICER. Without objection, the request of the Senator from Tennessee will be granted.

Before that date, Mr. President, at the time the subcommittee made its report to the full committee, being absent from the city and from that meeting, I filed with the chairman of that committee a brief statement of my views and conclusions on the case. I desire now that those views and conclusions be filed with the Senate, and I ask that they be printed in the RECORD.

It had been my purpose, Mr. President, to file a more elaborate statement in the nature of a minority report, giving in detail the reasons that led me to the conclusions which I have

stated in this paper, but since that time the Senator from Indiana [Mr. BEVERIDGE] has filed an elaborate statement, with copious references to the proof and testimony taken. Therefore it is not necessary for me now to add anything to the statement which I filed with the full committee.

I had also intended to present to the Senate a resolution declaring that, in my judgment, under the testimony taken Mr. LORIMER was not legally elected a Senator from the State of Illinois, but such a resolution has been presented by the Senator from Indiana and perhaps by other Senators during my absence. Hence it is not necessary for me now to present such a resolution. I send the statement to which I have referred to the desk, and ask that it may be printed in the RECORD.

The VICE PRESIDENT. Without objection, the statement will be printed in the RECORD.

Mr. BEVERIDGE. Mr. President, I ask that the report or views of the Senator from Tennessee, which he has just sent to the desk, be read to the Senate for its information, and also that it be printed as a public document.

The VICE PRESIDENT. The Chair was about to put the request of the Senator from Tennessee, who presented the paper.

Mr. FRAZIER. I have no objection, of course, to the paper being read, Mr. President.

The VICE PRESIDENT. The Chair assumes not.

Mr. FRAZIER. I merely offered it that it might go into the RECORD, and if it be of any value to the Senate I shall be very glad to have it read.

Mr. BURROWS. I desire to ask the Senator from Tennessee if the views which he now presents are the same as those which he presented to the committee.

Mr. FRAZIER. I have just stated, Mr. President, to the Senate—I am not sure whether or not the Senator from Michigan was present—that the statement which I now offer is the statement which I presented to the chairman of the committee to be filed with the full committee.

The VICE PRESIDENT. The Senator from Tennessee asks unanimous consent that the statement presented by him be printed as a part of the report of the Committee on Privileges and Elections heretofore presented. It would be part 4. Is there objection? The Chair hears none. The Senator from Indiana asks that the statement be now read. Is there objection? The Chair hears none, and the Secretary will read, as requested.

The Secretary read as follows:

[Senate Report No. 942, part 4, Sixty-first Congress, third session.]

It is with great reluctance that I differ with my colleagues on the subcommittee, but feeling impelled to do so, I beg leave to state briefly my views and conclusions in this case.

As I understand the precedents as established by the Senate and the other branch of Congress, and now recognized as the law governing such cases, they are:

First. If the proof establishes the fact that the Member whose seat is in question because of alleged bribery or corrupt practices resorted to in his election has himself been guilty of bribery or corrupt practices, or knew of or sanctioned such corrupt practices, he may be unseated without reference to the number of votes thus corruptly influenced.

Second. If the proof fails to show that the Member knew of or participated in or sanctioned such corrupt practices, then, in order to justify unseating him, the proof must show that enough members of the legislature voting for him were bribed or influenced by corrupt practices that deducting their votes from the total vote received by him would reduce his vote below the constitutional majority required for his election.

While there are some facts and circumstances in this case tending to show that Senator LORIMER may have heard of or known that corrupt practices were being resorted to, and while Senator LORIMER failed to avail himself of the opportunity of going on the stand as a witness and denying any such knowledge or sanction of corrupt practices, if any such were being practiced, still I am of the opinion that the testimony fails to establish the fact that Senator LORIMER was himself guilty of bribery or other corrupt practices, or that he sanctioned or was cognizant of the fact that bribery or other corrupt practices were being used by others to influence votes for him.

This being true, the question then arises, Was bribery or corrupt practices used by others in his behalf to influence votes for him; and, if so, were enough votes thus tainted with fraud and corruptly influenced when excluded to reduce his vote below the legal majority required for his election?

The Legislature of Illinois consisted of 204 members. There were present and voting on the occasion of the election of Senator LORIMER 202 members. A quorum of both houses being present, in my opinion, he must have received a majority of all those present and voting, or 102 votes, to have been elected. Senator LORIMER received 108 votes, or six more than necessary to elect.

The testimony taken by the committee satisfies me that four members of the legislature were paid money for voting for, or in consequence of having voted for, Senator LORIMER. One senator and three representatives admitted under oath before the committee that they were paid money, and their admissions and the facts and circumstances surrounding the transactions satisfy me that they received it as a bribe for or in consequence of their votes for Senator LORIMER.

The four self-confessed bribe takers implicate three other members of the legislature who voted for Senator LORIMER as the persons who bribed them. The testimony satisfies me that the three alleged bribe givers were guilty of that offense. To my mind the man who bribes another is as corrupt as the one who is bribed, and by his corrupt act

of bribery he demonstrated the fact that he is none too honest to receive a bribe if offered him.

While the proof is not clear or conclusive that these three bribe givers were themselves bribed or corruptly influenced to vote for Senator LORIMER, when I take into consideration their corrupt conduct as bribers of others, together with all the facts and circumstances surrounding this case, I can not bring myself to agree with the majority of the subcommittee that their votes are free from taint or corruption. These three votes added to the four confessedly bribed would make seven tainted votes. Eliminate them, and the vote received by Senator LORIMER was less than a majority of the votes cast.

As stated above, it is with hesitancy and great reluctance that I differ with my colleagues upon the subcommittee, but I have felt impelled to do so after a most careful and, I trust, unbiased study of this record. In view of the fact that I appear to stand alone in the views herein expressed, I make no recommendation to the committee, but I do ask that members of the committee not members of the subcommittee carefully read all of the testimony before forming an opinion.

At the time the foregoing statement of my views and conclusions were filed with the full Committee on Privileges and Elections it was my purpose to file in the Senate a more elaborate statement, setting out in full the reasons which led me to the conclusions reached. It was also my purpose to offer with such statement a resolution declaring that Senator LORIMER was not legally elected Senator from the State of Illinois.

Since then, to wit, on January 9, 1911, the Senator from Indiana [Mr. BEVERIDGE] has filed an extended statement of his views, with copious reference to the testimony, and has offered a resolution of the character referred to. Hence it is not necessary for me at this time to file either the more extended report contemplated or the resolution. I am gratified that the Senator from Indiana concurs in the conclusion reached by me as to the election of Mr. LORIMER. In the resolution offered by him with respect thereto I concur.

RECIPROCITY WITH CANADA.

Mr. CULLOM. Mr. President, some days ago a message came in from the President of the United States in reference to Canadian reciprocity. At that time I suggested that it be referred to the Committee on Foreign Relations. That was objected to, however, and the message was referred to the Committee on Finance. I think since then that those who are interested in the matter have concluded that I was right. I ask that the Committee on Finance be discharged from the further consideration of the message and that it be referred to the Committee on Foreign Relations.

Mr. LODGE. Mr. President, it was on my suggestion, I think, that the reference was made to the Committee on Finance. I think as this is a matter relating to a foreign nation that it ought to go first to the Committee on Foreign Relations as a matter of orderly procedure.

Mr. CULLOM. It refers to an agreement with another country.

Mr. LODGE. But I am entirely satisfied that it will go to the Committee on Finance inevitably, and be referred to that committee on the request of the Committee on Foreign Relations.

Mr. CULLOM. I have no doubt about that.

The VICE PRESIDENT. Without objection, the order heretofore made referring the message to the Committee on Finance will be rescinded.

Mr. HEYBURN. Mr. President, I rise to that point. I think it was on my suggestion that the message went to the Committee on Finance.

Mr. CULLOM. Both the Senator from Idaho [Mr. HEYBURN] and the Senator from Massachusetts [Mr. LODGE] objected to its reference to the Committee on Foreign Relations.

Mr. HEYBURN. Well, Mr. President, I think the matter is of some importance. I do not believe at this time the Senate intends to recognize the right to make a tariff by a treaty or an agreement.

Mr. CULLOM. It is not a treaty.

Mr. HEYBURN. I am thoroughly familiar with the status that has been given these agreements. When we reach that point, then another great branch will have been lopped off from the fundamental principles of the Republican Party. Whenever we begin to make tariff arrangements by agreement which have the aspect of treaties, and have been so considered in this body, then the functions of one of the great parties of this country will have been usurped, and it will be only a short time until it will be held that all tariff regulations are in the nature of agreements with foreign countries and Congress will no longer have anything to do with it.

Now, I objected to this message being referred to the Committee on Foreign Relations because I thought perhaps that might be taken as an intimation on the part of the Senate recognizing this right to change the tariff laws by treaty agreement. They call it an agreement. A treaty is an agreement, and we frequently have had the question discussed here. I do not feel that we would be doing our duty as members of the Republican Party, which represents the principle of a protective tariff, to permit this new feature to be introduced through this medium.

I intend on another occasion to express my views in regard to this communication. I will say this much at the present time, that I know of no provision in the Constitution of the United States which says that legislation affecting the revenue

of the Government shall originate in the executive department of the Government. I know of no such provision. If it is going to be written into the Constitution in any manner, or if it is going to begin to creep into the Constitution, I want every Member of Congress to have his eyes open and know what is going on.

We refer to the Committee on Foreign Relations matters that pertain to the dealings of this Government with other countries. We refer to the Committee on Foreign Relations nothing that pertains to the internal affairs or those matters over which Congress has exclusive jurisdiction, acting through both Houses. I want to know in this hour what we are approaching and why we are moving in this direction. It is a proposition to enact a revenue law. It affects the revenue of the country, and it should originate where other revenue legislation originates, in the House of Representatives and not in the executive department of the Government. Of course as a matter of mere form that will perhaps make no difference, but it is a proper hour in which to express a protest. It is a proper hour in which to be alert.

There seems to be a slipping of the foundation of certain great political principles as though they were underlaid with quicksand. They are shifting. The hour is at hand when men who believe in and stand for the principles of the Republican Party have to take notice and be on the alert. If this measure goes to the Committee on Foreign Relations I presume it will be reported out of that committee and go to the Committee on Finance. But I have seen fit to take this occasion to express some views that may be worthy of more than a passing thought, not only in this Chamber but in the hearts of the American people.

Mr. SHIVELY. Mr. President, I merely wish to observe that I believe the Senate can take it for granted that the effect of this measure on the future of the Republican Party will be given the most careful and profound consideration by the Committee on Foreign Relations.

The VICE PRESIDENT. The Senator from Illinois moves that the Committee on Finance be discharged from the further consideration of the President's message relating to Canadian reciprocity and that it be referred to the Committee on Foreign Relations.

Mr. BAILEY. May I ask the Senator from Illinois if this trade agreement has been made by the President in pursuance of any direct authority of law authorizing the communication of this particular treaty or under a general authority to negotiate such treaties?

Mr. CULLOM. It is not a treaty at all, I will inform the Senator. It is a mere agreement. I will read from the President's message.

Mr. BAILEY. I understand what it is, but I wanted to know if—

Mr. CULLOM. I know of no special law or general law under which this is made, except the general authority that the President exercises under the Constitution and the law.

Mr. BAILEY. The President has no authority to make agreements. He has authority to make treaties, and if this is not a treaty or something in the nature of a treaty, then obviously the President has no authority whatever to make it.

Mr. CULLOM. Let me read from the message.

Mr. BAILEY. And if it be a treaty relating to the revenues of the country, then, obviously, it was beyond the authority of the President, and must originate in the House of Representatives. My own opinion is, Mr. President, that the Senate of the United States can not properly have this question before it until the House has first decided it, because it obviously relates to the revenue of the Government.

Mr. CULLOM. This message was sent to the Senate, as well as the House; and for the information of the Senator, if he has not the paper before him—

Mr. BAILEY. The Senator from Illinois need not take that trouble. I understand what it is.

Mr. CULLOM. It reads as follows:

Special message of the President of the United States, transmitted to the two Houses of Congress January 26, 1911. Correspondence embodying an agreement between the Department of State and the Canadian Government in regard to reciprocal tariff legislation. Also statistical data to show the effect of the above agreement upon the commerce and revenues of the United States and the Dominion of Canada.

Now, all I desire is that this treaty, as it seems to be an agreement—

Mr. BAILEY. The Senator now calls it a treaty.

Mr. CULLOM. I made a mistake in using that word. But it seems to be a proposed agreement, and the Committee on Foreign Relations felt that it ought first to be referred to that committee for the purpose of looking it over and seeing whether there was anything in it that affected the United States Govern-

ment improperly, and then be properly reported back to the Senate, to be referred to the Committee on Finance. But I agree with the Senator that the whole subject ought to originate in the House.

Mr. BAILEY. It is difficult to talk of wrong things in the right words, and the Senator from Illinois or any other Senator in this Chamber who undertakes to discuss this document for five minutes will find himself calling it a treaty.

Mr. CULLOM. I think that is true.

Mr. BAILEY. If it is a treaty, it ought to go to the Committee on Foreign Relations. If it is not a treaty, it seems to me it ought to go to the Committee on Finance.

Mr. CULLOM. I hope it will first be referred to the Committee on Foreign Relations.

Mr. CARTER. The matter here presented is rather of form than substance. The Senate generally understands that this agreement relates to the admission of certain articles at a lower rate of duty than at present prevailing. But it obviously affects our foreign relations in some manner. I understand the fact and the practice to be that where any question relating to our foreign affairs is to be dealt with, the proper course is to refer the matter in the first instance to the Committee on Foreign Relations. That committee would merely inspect this communication with a view to ascertaining whether it conflicted with any existing treaty relation of the United States or presented any question within the jurisdiction of that committee. Failing to find such question, it would be reported back to the Senate; that committee would ask to be discharged, and that it be referred to the Committee on Finance, if found to be within the jurisdiction of that committee.

I believe, Mr. President, that the reference to the Committee on Foreign Relations would be in conformity with good and well-established practice. That reference would not consume much time. The message would be reported back by that committee to the Senate for appropriate reference, and the discharge of the Committee on Foreign Relations would be expeditiously made, I have no doubt. The purpose of the chairman of the committee unquestionably is to maintain the established practice with reference to communications coming from the President in any manner involving or likely to involve questions of foreign affairs.

Mr. SMITH of Michigan. Mr. President, this seems to be a question of lost jurisdiction, and I simply rise to remind the President that the Senate has a Committee on Canadian Relations, to which this bill might very appropriately be referred. The committee has been selected with the greatest care and consideration for the important function it is expected to perform. It is composed of a number of the most eminent Members of the Senate, and for fear that we may be overlooked entirely in this proceeding I now request that this matter be referred to the Committee on Canadian Relations. Of course, if the Senate insists upon giving the Foreign Relations Committee jurisdiction, I can not complain, as I am a member of that committee, but eventually shall expect the matter to come to the Committee on Canadian Relations, where it undoubtedly belongs.

Mr. CARTER. Mr. President—

The VICE PRESIDENT. A motion is now pending.

Mr. CARTER. I desire to inquire of the Senator if that committee is not so overwhelmed with business that it might not be able to give attention to this subject.

Mr. SMITH of Michigan. The committee is very greatly troubled with business, but upon the suggestion of several of my associates on the committee I have been emboldened to take on this additional service if the Senate so desires.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Illinois to discharge the Committee on Finance from the further consideration at present of this message, and that it be referred to the Committee on Foreign Relations.

The motion was agreed to.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. DAVIS rose.

The VICE PRESIDENT. Without objection, the Chair lays before the Senate joint resolution No. 134.

The SECRETARY. A joint resolution (S. J. Res. 134) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. DAVIS. Mr. President, but little can be said in support of the pending resolution declaring for the election of United States Senators by direct vote of the people that would not be subject to the charge of repetition, but I feel, sir, that this is the most important legislation that has been attempted at this session—that its final adoption means more to the people of this country than any legislation of modern times. I feel im-

pelled to give it thus publicly my most hearty and most cordial approval and support.

I listened with great interest to the eloquent appeal of the junior Senator from Idaho [Mr. BORAH] in the interest of the people of this country—for their own self-government—and it seems to me, sir, that he has presented every argument that could possibly influence this body, or the country, in favor of this amendment, and especially since it was so ably supplemented by the senior Senator from Maryland [Mr. RAYNER], who, as he always does, in the most masterly and forceful manner, riddled the amendments of both the senior Senator from New York [Mr. DEPEW] and the Senator from Utah [Mr. SUTHERLAND], the sole object of which, to my mind, is to delay or defeat action upon this important measure.

I have never heard it contended until this debate, and until the presentation of the amendment by the Senator from Utah, that any power was granted by the Constitution to the Congress, or that it had ever attempted to exercise supervision or in any way control the election of United States Senators, except as clearly specified by the Constitution itself, namely, the time and manner of such election. The supervisory control of Congress, under the Constitution, is clearly limited to the House and not to the Senate, and the construction of the Senator from Utah upon that document is most novel indeed. The amendment of the Senator from New York, in my judgment, does not rise to the dignity of serious thought and consideration, because no Member of this Senate, save and except the senior Senator from New York, perhaps, would be willing to give to the Congress the controlling power of the election of the Senators by the appointment of a board of registration, supervisors of election, and leave to them the ultimate power of determining the qualifications of electors entitled to vote in these elections.

There were those, Mr. President, at the time of the framing of the Constitution, who adhered to the views of Mr. Hamilton, that only the very rich should be eligible to seats in this body; that they should be elected from the membership of the legislature selecting them, and should serve for life or during good behavior. There were, sir, and still are, those who believe today that the Government should be removed as far from the people as possible, and with its management and control they should have little to do.

Sir, when we drove the British from our shores and declared the independence of the United Colonies there remained with us, and still remains, the spirit of the kings and the doctrine that the people were incapable of self-government; but I am one of those, Mr. President, who believe the surest, safest, and most stable government is that government which comes closest to the people and which is most closely under their direct control and management. And I have listened with some chagrin and mortification at the oft-repeated statements upon the floor of this Senate, comparing this body to the British House of Lords. God forbid, Mr. President, that that day should ever come when the Senate of the United States shall arrogate to itself the pomp and splendor and assumed power of the House of Lords, and when no man shall be eligible to this great honor who is not immensely rich, or who does not serve the interests of his richer masters. This, Mr. President, is not the House of Lords, and, in fact, ought not to be compared to it. It should be, and was intended by our fathers to be, a body of the servants and representatives of the people of our country, chosen for a longer term of office than the Members of the House of Representatives, for the reason that it was believed that the Members of the House should come fresh from the people and should be closely in touch with their every want, with their every interest; that the Senate, with its conservatism and experience, should act as a check, a balance, upon any rash and hasty legislation proposed by the larger branch of Congress.

It was never dreamed, Mr. President, nor will the people of this country tolerate the idea that we in any sense are the lords and not the servants of the people, and I deeply regret that any Senator upon this floor should feel that it was necessary to characterize the advocates of this reform in terms of derision, as the Salvation Army, led by the distinguished Senator from Oregon [Mr. BOURNE], and I know of no Senator that would so distinguish himself and so aptly personify with powdered wig, knee breeches, and buckles a member of the English Parliament as would the senior Senator from New York; and his unfortunate suggestion that we are a Salvation Army and such jibes and jeers as this strengthen rather than weaken our cause and demonstrates the absolute necessity of the passage of the resolution under consideration that the people of this Government may send to this august body men who are willing to bow to their behest and carry out their deliberate judgment, men who will not arrogate to themselves the rights to lord it over their constituents, who will not heed their demands when

maturely and deliberately expressed; and I say, Mr. President, any Senator, be he whom he may, is treading upon dangerous ground when he solemnly declares that he would not heed the voice of every man, woman, and child in his State expressed in solemn, deliberate unison, if the mind of the Senator himself was opposed to it. I am not of that class that believes that any man is infallible and that his judgment may not err, however honest are his intentions and purposes.

I, sir, believe most sincerely and implicitly in the deliberate judgment of the people. They may for the moment be swayed or lashed into hasty, passionate action, but will as quickly right themselves if given time for sober thought and reflection. While I would not be called a truckler to public opinion for public favor, yet, sir, I stand ready at any and all times to yield my judgment to the judgment of the great majority. But the amendment under consideration is not the result of hasty action, as has been repeatedly stated upon this floor. Thirty-one States of the Union have expressed themselves in unmistakable terms. The people of the entire Nation have become aroused upon this question as they scarcely ever have upon any subject presented for their consideration, and have just reason for their becoming aroused. They feel that the Senate of the United States does not voice their wishes—does not heed their requests, does not legislate in their interests, and they demand that to which they are entitled as of right, the power to select by direct vote the Members of the Senate of the United States, as they do their Members in Congress.

It can not be seriously urged, Mr. President, that this change in our fundamental law will in anywise affect the representation of each State in the Union in their rights to an equal voice upon this floor, because the Constitution itself in plain terms, as was ably expounded by the senior Senator from Maryland [Mr. RAYNER], contains the provision that the representation in the Senate as provided for by the Constitution shall not be changed, except by consent of the State affected. So that contention may be brushed aside as untenable, having no place in this discussion, and the further objection urged by the senior Senator from New York, that the adoption of this amendment would give to the Southern States the power and the opportunity to disfranchise the Negro voters of those States, is but a makeshift upon the part of the Senator to divert the argument and furnish some excuse for the former advocates of the force bill to vote against this amendment so universally demanded by the people. It is not desired, Mr. President, by the people in my State, and I feel that I can safely speak for the entire South, to disfranchise the Negro, notwithstanding the fact that we believe the greatest crime that was ever committed against a helpless, defenseless people was the giving to the then ignorant, vicious, half barbaric Negroes of the South the right to vote and the right to hold office, and for the time, sir, the clouds were dark and threatening.

This question with us was a grave one, especially when agitated and stirred by the corrupt carpet-bag administration of the Republican Party just subsequent to the great Civil War. I for one rejoice that that dark period has passed and that the Negro of the South to-day realizes more thoroughly than ever before that his former master and his children are his truest and best friends. Few of them care to vote and none ask to hold office, except when stirred by this same disturbing element of the Republican Party, usually imported from the North or East, among us, who can only fatten and thrive upon public patronage and public favors. The senior Senator from New York need not fret himself about the Negroes of the South or their possible disfranchisement, but rather may he, when his term shall have expired, betake himself to the courts of the Old World, there to bask in the sunshine and smiles of the crowned heads and bow down in humble obeisance at the shrine of royalty. This will be a fitting close to the career of the senior Senator from New York.

There are potent reasons, to my mind, Mr. President, why this amendment should be adopted. First, because if the Senators were elected by the people directly, not through the means of legislative action, they would feel more deeply their responsibility and obligations to the people and would more readily heed their just demands. They would not feel that they are separate and apart from the people; they would not feel that their election was not due to the personal wishes of the people; they would be more careful of their official conduct, and legislation such as has been passed for the last quarter of a century would not be upon our statute books to-day, because, sir, men with far different views would doubtless be selected from the North, the East, the South, and the West than some who grace seats in this most honorable body.

I apprehend that if the Senators were elected by direct vote of the people and were required to account to them for their

stewardship, there would be no man with the temerity to ask for the passage of the ship-subsidy bill, giving to one great interest such an unusual and unholy advantage not enjoyed by those entitled to equal protection. Sir, I for one can not see why we should have a ship subsidy and not a railroad subsidy, or a wheat-growers' subsidy, or a cotton-growers' subsidy, or a sugar-planters' subsidy; in fact, sir, I can not understand the equities in one case that will not apply with equal force to the other; and in passing this amendment you place the election of the Senators directly in the hands of the people of their States, and such legislation as this will cease to annoy and fret this body, because, when a Senator has to go back upon the hustings and go among his people, in their bailiwicks and townships, and account for his stewardship, no man would be willing to carry this corpse with him through his State and expose this hideous deformity before his people. If the people had elected their Senators by their direct votes, the Payne-Aldrich tariff bill would not have been upon our statute books, making the rich richer and the poor poorer. The grievous burdens that are now borne by our laboring people would not have been thrust upon them, because no man before an intelligent people can defend successfully the iniquities of that measure and its unjust discrimination in favor of the rich and as against the poor; and while it is not my purpose, sir, to discuss that measure at this time, I pause long enough to say that we, upon the Democratic side of this Chamber, have warned the majority in this body repeatedly of the terrible cyclone of public indignation that awaited them should they ruthlessly and recklessly trample upon the rights of the people in the form of the present tariff law.

The cost of living has gone so high that the poor man, with his meager wage, can scarcely drive the wolf from the door. The necessities of life have become almost unobtainable to the laboring men of this country, and especially those who are non-producers and depend upon their brawn and muscle for their daily bread. There has been no compensating increase in wages of the average American laborer. The majority of this body, with a cynical smile and, as I think, in absolute disregard of the rights of the people, fastened upon them this unjust measure, and those of the majority who did not retire because of the fear of defeat have in most instances, where the people got the chance to express their choice, been retired from public life, and those who were not defeated came so near to their political grave that they felt its every horror, its every sting. I want to say, Mr. President, that the American people are intelligent—they are a patriotic, patient people—that they bear much before they strike; and I but repeat myself when I say that if conditions do not change and the people are not allowed to select their own representatives, to do their own bidding, to do their own will, the future of the Republic is unsafe.

The metropolitan press of the day, whether it be true or false, constantly inflames the public mind with the belief that the Senators upon this floor legislate not in their interests but in their own interests and in the interest of the very rich as against the very poor, and the people have no relief directly, but must act through their chosen representatives of the various legislatures of the States. They demand now, and have for more than a quarter of a century, the right to select their own representatives by their own direct vote. What is the Government, Mr. President, that it can not be altered and changed, even in its fundamentals, by the people, who are in fact the source of all power under the Constitution, except that which is expressly delegated is reserved to the people? The Federal power is a delegated power; the residuary power rests and remains with the people, and I am one of those who believe that they are capable of exercising it wisely and for the best interests of our common country.

If the Senators were elected by the direct vote of the people the country would not witness the nauseating spectacle that the Senate itself presents to the country to-day in an effort to purge itself of corrupt and improper practice in the selection of one of its Members. Legislatures can be corrupted. They are corrupted. In my own State, only a few years ago, we were scandalized by practices similar to those that are shown to have existed in Illinois. In other States in the South, whose fair escutcheon had never before been besmirched, it is openly charged that these practices have prevailed in those States. In the East and Middle West it has become so common for the press of the country to charge that the Senators from those States bought their seats that it has ceased to be a matter exciting public comment. Sir, the Senate of the United States is to-day upon trial, more so, in my judgment, than the Senator from Illinois [Mr. LORIMER]. The country has already tried this case and rendered the verdict. They are waiting to see whether or not the Senate will purge itself of this stain.

Mr. President, I can not give my assent to the law as laid down recently by the junior Senator from Texas [Mr. BAILEY], that the corrupt votes may be eliminated from the count; that, if a quorum be present in the joint assembly, the untainted votes should elect; and that if Mr. LORIMER received a majority of the untainted votes, discarding those that were shown to be tainted, he ought in right to have his seat. Mr. President, I state the law to be different. As I understand, and as I believe has been universally held by every court that has ever touched upon this question, the law is that when once the poll has been shown to be tainted, as has been shown in this case beyond denial, then the burden shifts to the beneficiary, and he must show that there were enough votes untainted to secure his fair election.

I ask the Senate why it was, when six or seven votes were shown undeniably to have been bought and bribed in the Illinois Legislature, that Mr. LORIMER did not call the other members of the legislature, whose votes are said to be untainted, and prove by them that they were untainted? I ask further, Mr. President, why it is, if Mr. LORIMER feels in his own soul that abiding conviction which rests with every man who has not knowingly participated in such practices as are alleged to have occurred in Illinois, he did not in his own defense take the stand and deny the allegations of fraud under oath? Ah, but it is answered that the Chicago Tribune said it would not be contended that Mr. LORIMER knew personally of this matter. Mr. President, if such a charge were made against me before this body and before the country, I would not sleep, if I were given an opportunity to do so, if I were innocent of that charge, before I took the witness stand and before God, high heaven, and the country denounced it as absolutely false.

I do not intend, Mr. President, to enter into a discussion of the merits of this case, but it seems to me that it is asking the Senate to exercise a credulity far beyond the power of man to entertain to believe that large sums of money could be expended, or would be expended, for the election of any man to this most important office without his knowledge or acquiescence.

Mr. President, I again digress to say that I disagree with the senior Senator from Kentucky [Mr. PAYNTER], who is my warm personal friend, when he announces the proposition as to the witness White and the others, who have been shown to be connected with this illegal and corrupt practice, that their testimony could not be believed because, forsooth, they admitted that they had been bribed and had participated in those illegal practices.

Why, Mr. President, with the greatest respect to the senior Senator from Kentucky, that to me sounds like the argument of a criminal lawyer defending his client before a jury of the country. I have made that defense for many a criminal. Sir, if murder should occur to-night in one of the disreputable places of this city, do you suppose that we could call Sunday-school teachers and preachers to prove the facts and circumstances relating to that murder? In this case corruption is alleged to have been practiced in the election of a United States Senator from the State of Illinois. Would Senators insist that, if a man were to engage in this kind of business, he should cry out from the house tops and invite the people to behold these corrupt practices?

Would the Senate insist that Senators upon this floor should witness these transactions? No, Mr. President, such things as are charged to have been done in the Illinois Legislature seek the darker and more secure corners; they hide under the cloak of night. Mr. LORIMER is shown to have slept in the same room with Lee O'Neil Browne for weeks and weeks, and yet we are asked to believe that Mr. LORIMER knew nothing and had no idea of what Browne did.

With the direct vote of the people in the selection of Senators these corrupt practices would be impossible. It would be impossible to corrupt the ballot of the great majority or any considerable portion of it. It is possible to corrupt a sufficient number of legislators to procure the desired result; and, Mr. President, this is one of the strongest reasons, and appeals more forcibly to the American people than any other, why this plan for the selection of their Senators should be changed—the power placed in their hands to be exercised by them, guided by their past bitter experience with the present system and their patriotic desire for the greatest good to the whole people.

I, sir, believe in the intelligence, the virtue, the honesty, and patriotism of the American people, and intrusted with this power they will do no wrong. Ours is a brave, courageous, independent citizenship, who will not tolerate political dictation or bossism, and never was this spirit of independence more righteously and powerfully administered than in the recent elections in November.

Mr. Roosevelt, with his great brain and matchless courage, and unquenchable thirst for power and place, having been feted and almost idolized by the crowned heads of the Old World, returned to his native land and was accorded such a reception as seldom falls to the lot of the returning hero, and but for his undying thirst for dictatorship and his unbridled ambition to rule, he might perhaps have gone down in history as one of America's greatest statesmen, and nothing better illustrates the patriotism and loyalty of the American people to the traditions of our fathers and the spirit and genius of our institutions than the scathing rebuke that was administered to him, not only in his own county, his own bailiwick, his own State, but the entire Nation itself, where the voice of the people was heard and his new nationalism, which is but the reincarnation of the old spirit of Hamiltonism, received such a stunning blow at the polls that he has been consigned to the political isle of St. Helena, and his doctrines and his once almost superhuman strength and power have been thoroughly discredited before the American people.

Why, sir, he had become more dangerous than Napoleon to the free spirit of the times. In my own State I saw him ride at the head of the multitude, each clamoring almost for the privilege of touching his garment. He was preceded by couriers and outriders bedecked in coats of mail, marching to the blast of the bugle, and with shamed face and just indignation our people heard him presented as the greatest living American, whose doctrines should receive their indorsement, and in the anguish of my soul I cried, O tempora! O mores! has the spirit of independence fled? Has the teachings of our fathers been forgotten and are we drifting back to the days of the pomp and splendor of Napoleonic times, to a forgetfulness of the rights of the American people?

The people, Mr. President, will brook no delay in the passage of this resolution, and efforts at procrastination will but add strength to the universal demand for its adoption. And if the Senate of the United States would acquit itself before the bar of public opinion this resolution must be passed at the present session, that the people may come into their own and be permitted to exercise their freedom of choice which is so essential to the proper selection of their servants.

Mr. DAVIS subsequently said:

Mr. President, just a moment on a question of personal privilege. I have just been handed a note from the Chicago Tribune, saying that Mr. LORIMER did not sleep in the same room with Mr. Browne, but that he slept in a suite of connected rooms, Browne being in one room and LORIMER in another. That is the difference between tweedledee and tweedledum.

SENATOR FROM ILLINOIS.

The PRESIDING OFFICER (Mr. OLIVER in the chair). The calendar under Rule VIII is in order.

Mr. BEVERIDGE. I ask unanimous consent that on the 14th of February the resolution of the Committee on Privileges and Elections relating to the Lorimer case, the report, and all resolutions and motions based thereon or appertaining thereto shall be voted on before adjournment on that day.

The PRESIDING OFFICER. Is there objection?

Mr. KEAN. Mr. President, I do not see the chairman of the Committee on Privileges and Elections present.

Mr. BULKELEY. I object, Mr. President.

CONSIDERATION OF THE CALENDAR—MEASURES PASSED OVER.

The PRESIDING OFFICER. The calendar under Rule VIII is in order. The Secretary will state the first bill on the calendar.

The bill (S. 3528) to reimburse depositors of the Freedman's Saving & Trust Co. was announced as first in order.

Mr. JOHNSTON. Mr. President, let that bill go over.

The PRESIDING OFFICER. The bill will go over without prejudice at the request of the Senator from Alabama.

The concurrent resolution (S. Con. Res. 16) authorizing the Secretary of War to return to the State of Louisiana the original ordinance of secession that was adopted by the people of said State in convention assembled, etc., was announced as next in order.

Mr. KEAN. Mr. President, the Senator from Idaho [Mr. HEYBURN] has objected to that resolution many times. I do not know whether he still desires to object to it, but, in his absence, I suggest that it go over.

The PRESIDING OFFICER. The concurrent resolution will go over without prejudice.

The bill (S. 574) to authorize J. W. Vance, L. L. Allen, C. F. Helwig, and H. V. Worley, of Pierce City, Mo.; A. B. Durnill, D. H. Kemp, Sig. Soloman, J. J. Davis, S. A. Chappell, and W. M. West, of Monett, Mo.; M. L. Coleman, M. T. Davis, Jared R. Woodfill, jr., J. H. Jarrett, and William H. Standish, of Aurora, Lawrence County, Mo.; and L. S. Meyer, F. S. Heffernan, Robert

A. Moore, William H. Johnson, J. P. McCammon, M. W. Colbaugh, and W. H. Schreiber, of Springfield, Greene County, Mo., to construct a dam across the James River in Stone County, Mo., and to divert a portion of its waters through a tunnel into the said river again to create electric power, was announced as next in order.

Mr. KEAN. Let that bill go over, Mr. President.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 7364) providing for the equalization of Creek allotments was announced as next in order.

Mr. KEAN. Let that bill go over, Mr. President.

The PRESIDING OFFICER. The bill will go over at the request of the Senator from New Jersey.

The bill (H. R. 10584) providing for the adjustment of the claims of the States and Territories to lands within national forests was announced as next in order.

Mr. JOHNSTON. Let that bill go over, Mr. President.

The PRESIDING OFFICER. The bill will go over at the request of the Senator from Alabama.

The bill (S. 8083) to provide for the handling of mail on which insufficient postage is prepaid, and for other purposes, was announced as next in order.

Mr. BURKETT. Let that bill go over, Mr. President.

The PRESIDING OFFICER. The bill will go over at the request of the Senator from Nebraska.

MAIL RECEPTACLES AT RESIDENCES AND BUSINESS PLACES.

The bill (S. 8084) to provide mail receptacles at places of business, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Post Offices and Post Roads with an amendment, in line 6, after the word "entrance," to strike out "suitable," so as to make the bill read:

Be it enacted, etc., That after December 31, 1910, delivery of mail by city letter carriers shall be made only at such residences and places of business as provide at the door or entrance receptacles for its deposit.

The amendment was agreed to.

Mr. BURKETT. Mr. President, I inquire what date is provided for the bill to go into effect?

The PRESIDING OFFICER. The bill provides that it shall go into effect on December 31, 1910.

Mr. BURKETT. I suggest to the chairman of the committee that it should read "after the 30th of June, 1911."

Mr. PENROSE. I accept the suggestion, and move that amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On line 3, after the word "after," it is proposed to strike out "December 31, 1910," and insert in lieu thereof "June 30, 1911," so as to read:

That after June 30, 1911, etc.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 7668) to grant certain lands to the city of Colorado Springs, the town of Manitou, and the town of Cascade, Colo., was announced as next in order.

Mr. KEAN. Let that bill go over.

The PRESIDING OFFICER. The bill will go over at the request of the Senator from New Jersey.

The bill (S. 7180) authorizing the Secretary of War to return to the governor of Louisiana certain bonds of the State of Louisiana and city of New Orleans, was announced as next in order.

Mr. BULKELEY. Mr. President, let that bill go over.

The PRESIDING OFFICER. The bill will go over at the request of the Senator from Connecticut.

MORTON INSTITUTION OF AGRICULTURE AND FORESTRY.

The bill (S. 7902) to promote the science and practice of forestry by the establishment of the Morton Institution of Agriculture and Forestry, as a memorial to the late J. Sterling Morton, former Secretary of Agriculture, was announced as next in order.

Mr. JOHNSTON. Let that bill go over, Mr. President.

The PRESIDING OFFICER. The bill will go over.

Mr. BURKETT. Mr. President, I wish that bill might be passed. I do not, however, like to make a motion to that effect to-day.

The PRESIDING OFFICER. Does the Senator from Alabama withdraw his objection?

Mr. JOHNSTON. I know that several Senators object to the bill.

Mr. McCUMBER. I ask that the bill go over. I wish to examine it.

Mr. JOHNSTON. Other Senators have heretofore objected to the bill, and I have asked that it go over because they were not present.

Mr. BURKETT. I will say, that if the Senator from North Dakota [Mr. McCUMBER] has not examined the bill, I will not move to take it up. At the last time we had the calendar under consideration I gave notice that I would move to take up the bill the next time it was reached; but if the Senator from North Dakota wishes to examine it, I will not make that motion now.

The PRESIDING OFFICER. The bill will go over.

BILLS PASSED OVER.

The bill (S. 6823) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Pawnee Tribe of Indians against the United States was announced as next in order.

Mr. KEAN. Let that bill go over, Mr. President.

The PRESIDING OFFICER. The bill will go over, at the request of the Senator from New Jersey.

The bill (S. 7648) to correct the military record of Charles J. Smith was announced as next in order.

Mr. JOHNSTON. Let that bill go over.

The PRESIDING OFFICER. The bill will go over, at the request of the Senator from Alabama.

The bill (S. 3719) for the appointment of a national commission for the conservation of natural resources and defining its duties was announced as next in order.

Mr. HEYBURN. Mr. President, I ask that that bill go over.

The PRESIDING OFFICER. The bill will go over, at the request of the Senator from Idaho.

COMPILATION OF REVOLUTIONARY WAR RECORDS.

The bill (S. 6991) to authorize the compilation of the military and naval records of the Revolutionary War, with a view to their publication, was considered as in Committee of the Whole. It directs the Secretary of War to collect and compile, with a view to publication, the scattered military records of the Revolutionary War, and the Secretary of the Navy to collect and compile, with a view to publication, the scattered naval records of the Revolutionary War; and for this purpose appropriates \$50,000 for the War Department and \$10,000 for the Navy Department.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DAM IN BIG BEND OF JAMES RIVER, MO.

Mr. STONE. I ask leave to return to calendar No. 549, Senate bill 574.

Mr. KEAN. Let us have the regular order.

The PRESIDING OFFICER. The regular order is called for.

Mr. STONE. I wish to say a word. I do not think the Senator from New Jersey, unless he has some determined purpose to stand in the way of the passage of this little bill, should object. He has himself told me two or three times that he cared absolutely nothing about it.

Mr. KEAN. I have no objection to the bill of the Senator from Missouri, but I think we had better go on with the calendar in the regular order. We have not been on the calendar for some days.

Mr. STONE. If the Senator is going to do that, I shall pass over every bill on the calendar. I shall not be treated this way any longer. I have had this bill here since the beginning of this Congress, and the Senator from New Jersey has stood here and objected to its consideration one time and one day after another. I have gone to him, and he has told me he had no objection to it.

Mr. KEAN. I said I had no personal objection—

Mr. STONE. And cared nothing about it.

Mr. KEAN. I will say to the Senator from Missouri now that I have no personal objection to it.

Mr. STONE. Then why does the Senator object to its being considered now, as he has done time and again? There must be some motive, some reason for it.

Mr. KEAN. I withdraw my objection.

The PRESIDING OFFICER. The Senator from New Jersey withdraws his objection.

By unanimous consent, the Senate as in Committee of the Whole, proceeded to consider the bill (S. 574) to authorize J. W.

Vance, L. L. Allen, C. F. Helwig, and H. V. Worley, of Pierce City, Mo.; A. B. Durnil, D. H. Kemp, Sig Solomon, J. J. Davis, S. A. Chappell, and W. M. West, of Monett, Mo.; M. L. Coleman, M. T. Davis, Jared R. Woodfill, jr., J. H. Jarrett, and William H. Standish, of Aurora, Lawrence County, Mo., and L. S. Meyer, F. S. Heffernan, Robert A. Moore, William H. Johnson, J. P. McCammon, M. W. Colbaugh, and W. H. Schreiber, of Springfield, Greene County, Mo., to construct a dam across the James River in Stone County, Mo., and to divert a portion of its waters through a tunnel into the said river again to create electric power, which had been reported from the Committee on Commerce with an amendment.

Mr. STONE. The bill has heretofore been read in the Senate during this session. I desire to offer a substitute, which may be read. It is much shorter than the bill, and I will say, if the Chair will permit, that the Senator from Ohio [Mr. Burton] has objected to the original bill, which the Secretary was about to read. To the substitute I offer now he has no objection, and it is in exact accordance with such bills and in the form prescribed by the War Department and adopted by the Committee on Commerce, which has unanimously reported it.

The PRESIDING OFFICER. The Secretary will read the amendment in the nature of a substitute which the Senator from Missouri offers.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert:

That J. W. Vance, L. L. Allen, C. F. Helwig, and H. V. Worley, of Pierce City, Mo.; A. B. Durnil, D. H. Kemp, Sig Solomon, J. J. Davis, S. A. Chappell, and W. M. West, of Monett, Mo.; M. L. Coleman, M. T. Davis, Jared R. Woodfill, jr., J. H. Jarrett, and William H. Standish, of Aurora, Lawrence County, Mo.; and L. S. Meyer, F. S. Heffernan, Robert A. Moore, William H. Johnson, J. P. McCammon, M. W. Colbaugh, and W. H. Schreiber, of Springfield, Greene County, Mo., their heirs and assigns, be, and they are hereby, authorized to construct, maintain, and operate a dam in the Big Bend of the James River, in section 22, township 23 north, range 24 west, in the county of Stone and State of Missouri, across the said James River at said point, and to impound thereat in what is known as the Lower Narrows of the Big Bend of the said James River the waters of said river, and by canal and tunnel to divert and conduct across said narrows such portion of the water of said river, through said tunnel into said river again, as may be necessary for electric-power purposes. The construction, maintenance, and operation of the dam herein authorized, as well as the determination of the rights and obligations under the permission granted hereby, shall be in all respects in accordance with and subject to the provisions of the act approved June 22, 1910, entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906."

Sec. 2. That the right to alter, amend, or repeal this act, in whole or in part, is hereby expressly reserved.

Mr. BURTON. Mr. President, I have objected to the passage of this bill and perhaps detained action upon it since the beginning of the last session. I do not feel disposed to allow any personal opinion of mine to stand in the way. I do, however, doubt the advisability of passing measures of this character. It involves the very important question of the utilization of water power, and I do not think we are thoroughly prepared to act upon these questions until some plan is adopted or policy devised to reserve this great resource for the more general benefit of the people and prevent its acquisition by monopolies.

In the next place, I think there is a question whether the science of hydraulic engineering and means for the utilization of power have reached that perfection which should be attained before these privileges are given. A bill similar to this was vetoed by President Roosevelt.

However, we have been passing similar measures. I desire to emphasize to the Senate, however, the desirability of adopting some uniform policy on these water-power grants. Some considerable progress was made in the general dam bill that was passed at the last session, but there is still much to be accomplished in that regard. May I ask the Senator from Missouri a question?

Mr. STONE. Yes.

Mr. BURTON. As I understand, there is no navigation here?

Mr. STONE. No, sir; absolutely no navigation, except some occasional rafting of logs or ties.

Mr. BURTON. The grantees here named are citizens in the vicinity?

Mr. STONE. They are citizens, and very responsible citizens.

Mr. BURTON. I think it is one of the least objectionable measures of the nature that has come before us.

The PRESIDING OFFICER. The question is on agreeing to the substitute offered by the Senator from Missouri.

The substitute was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MEASURES PASSED OVER.

The bill (S. 8008) granting to Savanna Coal Co. right to acquire additional acreage to its existing coal lease in the Choctaw Nation, Pittsburg County, Okla., and for other purposes, was announced as the next business on the calendar.

Mr. KEAN. I do not see the Senator from Texas here, and I ask that the bill go over.

The PRESIDING OFFICER. The bill will go over.

The bill (H. R. 21481) to amend section 4916 of the Revised Statutes, relating to patents, was announced as next in order.

Mr. BRANDEGEE. Let the bill go over.

The PRESIDING OFFICER. The bill will go over.

The bill (H. R. 22317) to authorize quo warranto proceedings in regard to officers in national banks was announced as the next business on the calendar.

Mr. HEYBURN. I ask that the bill go over.

The PRESIDING OFFICER. The bill goes over.

The resolution (S. Res. 257) that the Committee on Privileges and Elections be discharged from further consideration of Senate joint resolution No. 41, proposing an amendment to the Constitution of the United States, was announced as next in order.

Mr. KEAN. Let it go over.

The PRESIDING OFFICER. The resolution goes over.

The bill (S. 7724) to provide for the payment of certain moneys advanced by the States of Virginia and Maryland to the United States Government to be applied toward erecting public buildings for the Federal Government in the District of Columbia was announced as the next business on the calendar.

Mr. HEYBURN. Let the bill go over.

The PRESIDING OFFICER. The bill goes over.

Mr. SWANSON subsequently said: I desire to ask what disposition was made of the bill providing for the payment of money to the State of Virginia?

The PRESIDING OFFICER. It went over without prejudice.

Mr. SWANSON. Was objection made?

The PRESIDING OFFICER. It went over at the request of the Senator from Idaho.

Mr. SWANSON. I do not understand whether objection was made.

Mr. HEYBURN. I can not just catch the remarks of the Senator from Virginia.

Mr. SWANSON. I ask was objection made to its immediate consideration and passage?

Mr. HEYBURN. Yes. I will say to the Senator that under Rule VIII the discussion is limited to five minutes. This is a measure of such importance that it should not be taken up under Rule VIII, because it would be impossible either to explain or discuss it. Measures are placed under Rule VIII on the assumption that they will require no discussion whatever.

Mr. SWANSON. I think a similar bill has passed the Senate repeatedly without opposition.

The PRESIDING OFFICER. The bill goes over on the objection of the Senator from Idaho.

The bill (H. R. 7117) to increase the efficiency of the Engineer Corps of the United States Army was announced as the next business on the calendar.

Mr. WARREN. Let it go over, Mr. President.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 1745) to amend section 4919 of the Revised Statutes of the United States, to provide additional protection for owners of patents of the United States, and for other purposes, was announced as the next business in order.

Mr. KEAN. I understand that is already the existing law. Let the bill go over without prejudice.

The PRESIDING OFFICER. The bill will go over without prejudice.

The resolution (S. Res. 262) to discharge the Committee on the Judiciary from further consideration of Senate joint resolution 50, proposing an amendment to the Constitution respecting the election of United States Senators was announced as next in order.

Mr. KEAN. Let it go over.

The PRESIDING OFFICER. The resolution goes over.

The bill (S. 6970) to codify, revise, and amend the postal laws of the United States was announced as the next business on the calendar.

Mr. KEAN. This is a very long bill, and it is evident we can not finish it before the unfinished business will be taken up. Let it go over.

The PRESIDING OFFICER. The bill will go over.

The bill (H. R. 11798) to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to ap-

point a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers, was announced as next in order.

Mr. BRANDEGEE. There is a unanimous-consent agreement to dispose of the bill on February 15.

The PRESIDING OFFICER. The bill will go over.

The bill (H. R. 2300) to provide a civil government for Porto Rico, and for other purposes, was announced as the next business on the calendar.

Mr. HEYBURN. Let the bill go over.

Mr. DEPEW. Do you want it to go over?

Mr. HEYBURN. We can not discuss it under the five-minute rule.

Mr. DEPEW. Very well.

The PRESIDING OFFICER. The bill goes over.

FISH-CULTURAL STATIONS ON THE COLUMBIA RIVER.

The bill (S. 8875) to authorize the establishment of fish-cultural stations on the Columbia River or its tributaries, in the State of Oregon, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Fisheries with an amendment.

Mr. CHAMBERLAIN. When this bill was last called up the Senator from Idaho [Mr. HEYBURN] objected to it. But I understood from my colleague that the Senator would not object to it if Idaho were stricken from the bill; and I therefore suggest an amendment that the State of Idaho be stricken from the bill, and I hope that the bill as proposed to be amended will be passed.

Mr. HEYBURN. I have stated that I would raise no objection if it were not extended to Idaho. We already have our fish laws.

The PRESIDING OFFICER. The committee amendment will be stated.

The SECRETARY. It is proposed, at the end of the bill, to insert the following proviso:

Provided, That before any final steps shall have been taken for the construction of fish-cultural stations in accordance with this bill, the States of Oregon, Washington, and Idaho, through appropriate legislative action, shall accord to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and all operations connected therewith in any manner and at any time that may by them be considered necessary and proper, any fishery laws of the States to the contrary notwithstanding: *And provided further*, That the operations of said hatcheries may be suspended by the Secretary of Commerce and Labor whenever in his judgment the laws and regulations affecting the fishes cultivated are allowed to remain so inadequate as to impair the efficiency of said hatcheries.

Mr. CHAMBERLAIN. I move to amend the amendment by striking out, in line 7 after the word "Washington," the words "and Idaho."

The SECRETARY. On page 2, line 7, strike out the words "and Idaho," and between the words "Oregon and Washington" insert "and," so as to read:

Provided, That before any final steps shall have been taken for the construction of fish-cultural stations in accordance with this bill, the States of Oregon and Washington, through appropriate legislative action, etc.

Mr. BORAH. I desire to inquire of the Senator from Oregon—I have been unable to follow the bill in its reading—What are the terms of the bill, briefly stated? What is the object of it?

Mr. CHAMBERLAIN. It is formulated and introduced on the recommendation and suggestion of the Fisheries Bureau of the Department of Commerce and Labor, which insists that for the protection of the salmon and the increase of the output on the Columbia River it is quite essential that these fish-cultural stations be established on the upper stretches of the river and its tributaries, and there is a letter from the Acting Secretary, Mr. Cable, strongly favoring the bill.

Mr. HALE. Mr. President, I thought by the reading of the bill that there were important provisions in it reserving the rights of the States, which I think is very proper, and I wish the Senator in charge of the bill would inform the Senate what is the general scope of the bill reserving the rights of the States with reference to these fisheries.

Mr. CHAMBERLAIN. I will state that the Bureau of Fisheries can not proceed with the establishment of these cultural stations unless the legislatures are willing to accept the terms of the bill and pass appropriate legislation to make it effective. So, in the final analysis, the bill would not amount to anything in its terms unless it was entirely satisfactory to the several States where the hatcheries were to be established.

I call the Senator's attention to the report of the committee, which was favorable to the bill, in which is embodied the letter from the Acting Secretary favoring its terms and its passage, and the amendment which is proposed to the bill was suggested by the Acting Secretary himself, so as to protect fully both the rights of the Government and of the States as well.

Mr. HALE. Will the Senator have the amendment read?

The PRESIDING OFFICER. The Senator from Maine asks that the amendment be again reported.

The Secretary read the amendment as proposed to be amended by the Senator from Oregon.

Mr. HALE. I should say, Mr. President, in listening to the amendment, that it is an attempt—I do not know how effectual it may be—to preserve and retain certain rights and control of fisheries in certain States in the hands of those States. I should welcome any attempt at this time to preserve any right, jurisdiction, and power of a State of the Union over any subject whatever against the resistless march of the Federal Government to take possession of and obliterate all those rights.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 6708) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce."

Mr. JOHNSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Clarke, Ark.	Heyburn	Richardson
Bankhead	Crane	Johnston	Shively
Beveridge	Crawford	Jones	Smith, Md.
Borah	Cullom	Kean	Smith, Mich.
Bradley	Cummins	Lodge	Smoot
Brandegee	Davis	McCumber	Stephenson
Briggs	Depew	Martin	Stone
Bristow	Dillingham	Nixon	Swanson
Brown	Dixon	Oliver	Taliaferro
Bulkeley	Elkins	Overman	Terrell
Burkett	Flint	Page	Thornton
Burnham	Foster	Percy	Warner
Burrows	Frazier	Perkins	Warren
Burton	Gamble	Piles	
Carter	Guggenheim	Purcell	
Chamberlain	Hale	Rayner	

Mr. JOHNSTON. I wish to announce that the Senator from Florida [Mr. FLETCHER] is detained at home by sickness.

Mr. BURNHAM. I desire to announce that the senior Senator from New Hampshire [Mr. GALLINGER] is unavoidably absent on account of illness. He is paired with the junior Senator from Florida [Mr. FLETCHER]. I make this statement for the day.

The PRESIDING OFFICER. Sixty-one Senators have answered to their names. A quorum is present.

Mr. CHAMBERLAIN. This is the hour that was fixed by the Senator from Missouri [Mr. STONE] to address the Senate. Immediately after his address I will ask permission to call up Senate bill 8875, which was being discussed at the time the morning hour expired.

SENATOR FROM ILLINOIS.

Mr. BROWN. Mr. President, I desire to give notice that on Wednesday morning, at the conclusion of the routine morning business, I will address the Senate on pending matters, including the Lorimer case.

OCEAN MAIL SERVICE AND PROMOTION OF COMMERCE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6708) to amend the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce."

Mr. STONE. Mr. President, I am a minority member of the Committee on Commerce. When this bill was pending before that committee I stated that I did not approve it and therefore could not vote to report it favorably. I rise now to give some expression of my views regarding the measure.

Mr. President, it has been contended here that there is no line of ships running directly between ports of the United States and those of South America. Let me read a few lines from the report of the Committee on Commerce made by the Senator from New Hampshire [Mr. GALLINGER]. I will read first from page 2 of the report:

No valid reason against this legislation has ever been advanced from any quarter, but aggressive opposition has come from foreign steamship trusts and combinations. On the other hand, the legislation has been earnestly asked for by American manufacturers and merchants interested in the export trade, who suffer from the arbitrary and oppressive methods of these European ship monopolists.

I read next from the sixth page of that report:

If this bill becomes a law, it will no longer be necessary for American manufacturers and merchants to send their products to South America via Europe, necessitating transshipment, and covering a route twice the length of a direct line to those countries.

This bill, or a similar one, was reported about the same time to the House of Representatives from the House Committee on the Merchant Marine and Fisheries. I wish to read a brief extract from that report, which was presented by Representative HUMPHREY of Washington:

This measure marks a new declaration of independence on the part of the United States—of independence of the impudent European ship trusts and "combines" like those which, immediately on the defeat in Congress of a bill similar to this, dictated from their headquarters in London and Hamburg an advance in freight rates ranging in some cases as high as 50 per cent on American provisions, breadstuffs, and other products of the farms of our Western and Southern States which are carried in foreign trust ships to South America.

Mr. President, the picture portrayed in these reports is overdrawn. The real situation is bad enough, but it is not so bad as depicted in these reports, nor so bad as it has been painted here in debate.

I have here an open letter sent to me, as I suppose it was to Members of Congress generally, and I desire to read and put it in juxtaposition, so to speak, with the statements I have read from these committee reports:

NEW YORK, March 21, 1910.

A great deal has been published by the Government, as well as by the public press, in connection with the trade between the United States and South America, which is so misleading and erroneous that we venture to put before the public the actual facts, and with which we, as merchants engaged in the trade between this country and the South American countries, are intimately acquainted.

At present there are five lines going direct to Brazil—

The statement made and the impression created by these reports and by the debate had here is to the effect that all shipments made from American ports to South America are by way of Europe and that transshipment in most cases is required. It is sought to make the impression that there are no ship lines, foreign or domestic, running regularly and directly between the ports of the United States and those of South America. But hear what these merchants say:

At present there are five lines going direct to Brazil; the departures are regular, and a sufficient number of the vessels are quite as speedy as the trade will warrant.

To the Argentine Republic seven lines are running, with six to eight departures each month, and furnish more than ample accommodation for the requirements of the trade.

To both Brazil and Argentina the freight rates are below those available by our European competitors, and no cargo is shipped from this country via European ports to either Brazil or the Argentine Republic. Northbound from both countries the freight asked to the United States is lower than to any other country.

These are a few statements of facts which the public should understand, and whilst as American citizens we would heartily welcome any measure that would develop the American mercantile marine, it can not be developed if false statements are used to bring about this result.

CROSSMAN & SIELCKEN.
G. AMSINCK & CO.
THOMSEN & CO.
HARD & RAND.
ALLERTON D. HITCH & CO.
GRAVENHORST & CO.

Mr. President, with a view to forming some estimate as to the responsibility of these merchants, I had their rating looked up in Bradstreet's. I find that they are rated at from \$500,000 to over \$1,000,000, showing that they are men of business importance. They are active importers and exporters, doing business directly with South America, and therefore ought to be familiar with the matters about which they have assumed to speak. Their statements are important for two reasons. First, they show that a wrong impression is made, or attempted to be made, upon the Senate and the country as to the facilities for transporting freights between North American ports and South American ports. Their letter is contradictory of the contention that all freights going from the United States to South America are sent by way of Europe and not by way of a direct line between the two continents.

Second, their statements are important because they disclose to us what we will have to compete with if we attempt by this subsidy to establish the line proposed. Mr. President, as corroborative of the letter I have read, I will state what I have been told by a gentleman I personally know. The gentleman of whom I speak is Mr. R. W. Morrison, of St. Louis, who has charge of the foreign sales department of the St. Louis Car Co., which I believe is the largest industry of its kind in America.

Mr. Morrison's presence in Washington at this time has naught to do with this legislation. He is here upon business which has no connection whatever with subsidy legislation or transportation legislation between the United States and South America or between any other points on the globe.

But Mr. Morrison, while sitting in the gallery, heard one or two speeches recently delivered here in support of the pending bill, and he has expressed to me his opinion as to the value of this character of legislation.

Mr. Morrison went to South America first in 1896, and since 1903 he has made annual trips to South America—to Brazil, Argentina, Uruguay, Chile, and Peru, and has transacted a large business in the principal cities of all those countries—and has become well acquainted with the business men and with those who are potential in the affairs of their respective States. He tells me that the St. Louis Car Co. is the second largest shipper to South America from the United States, the International Harvester Co., located in Chicago, having the first place.

He told me that his company shipped from New York on English boats belonging to the Barber & Co. Line, to the Prince Line, to the Lamport & Holt Line, and to the Norton Line, and he tells me that there is sharp competition between those lines. This competition, he says, is so sharp that while the usual freight rate is from 12½ to 15 cents per cubic foot he has shipped as low as 6 cents per cubic foot, and that within the last six months he had obtained a rate on a large cargo from New York to one of the principal ports of South America as low as 9 cents per foot, which is equal to \$3.60 per ton, 40 cubic feet being the equivalent of a ton.

The railroad rate from St. Louis to New York, he said, is \$9 a ton, or more than twice as much, often nearly three times as much, as the ocean freight from New York to the South American port. This gentleman told me that he sent freight down the eastern coast of South America, through the Straits of Magellan, and around to the ports of Chile and Peru at 15 and 16 cents per cubic foot, or about \$6.40 per ton.

Mr. Morrison says he would be proud as an American to see an American line of steamships established over this route, but, in his opinion, speaking after long experience, it is utterly impossible to maintain an American line in competition with the foreign ships. In his opinion the proposed subsidy would prove wholly ineffectual.

Mr. President, that there are lines of steamers in active operation between United States ports and South American ports is further shown by an official report, which I hold in my hand, made by James Davenport Whelpley, commercial agent of the Department of Commerce and Labor. This is "Special agents' series, No. 43," transmitted to the Congress in compliance with the act of June 17, 1910, authorizing investigations of trade conditions abroad. Mr. Whelpley says:

There are six companies operating regular steamship service from the Atlantic seaboard of the United States to the River Plate. Practically all their vessels sail from New York, but in returning some take cargo for Boston and Philadelphia and at intervals for New Orleans. Following is the list of lines, with the names of the New York agents: Lamport & Holt Line, Busk & Daniels; Prince Line, Paul F. Gerhard & Co.; Houston Line, R. P. Houston & Co.; Barber Line, Barber & Co.; Norton Line, Norton & Co.; American Rio Plata Line, Howard Houlder & Partners.

In addition to the River Plate service, three companies operating steamships between New York and the west coast of South Africa via Cape Horn make Bahia Blanca a port of call en route. They are Barber & Co., also in the River Plate trade; W. R. Grace & Co.; and Wessel, Duval & Co. Finally, there is a German service, the Kosmos Line, running from San Francisco down the west coast around the Horn and thus to Germany, whose ships call at Bahia Blanca.

Mr. President, when we come to legislate on a great question of this kind we should legislate in the light of facts and not upon mere statements such as have been made here in debate or upon such inaccurate and misleading information as is contained in the reports from which I have quoted.

Mr. President, on Wednesday the Senator from New York [Mr. Root] delivered an interesting address in advocacy of the pending bill. Upon one or two of his observations I desire to comment briefly. I quote the following from his speech as it appears in the RECORD:

What right, Mr. President, have the people of the interior of the United States—what right have the people of Iowa or the people of Minnesota or the people of Missouri to make a profit out of the people of New York and Boston and Philadelphia and Baltimore and San Francisco and New Orleans, and all the great commercial country that lies behind these seaports—what right have the people of the interior of this country to make a profit out of these seaboard States and all the great production that lies behind them by refusing to apply the money that is paid for our ocean mails to rendering an efficient ocean mail service?

The Senator seems to assume that the entire postal revenue received for ocean mail is paid by these seaboard cities. If he does not mean that, then there is no significance to the utterance. But the assumption is ill founded. On the contrary, I affirm that there is an immense oversea mail sent from the great country west of New York and Boston and lying between the Atlantic and Pacific. I think it would be no strain on the truth to say that in the aggregate a larger proportion of the mail going from the United States abroad and coming from abroad to this country is sent from and received in the great interior States west of New York and Boston than is sent from or received in the cities named by the Senator from New York. Boston is said by the Bostonese to be the hub of this hemisphere,

and New York is thought by some overzealous New Yorkers to be a sort of metropolitan luminary whose shining light warms and vitalizes the balance of the country.

The people of some of the eastern cities, particularly those of New York and Boston, are obsessed with the hallucination that from a national point of view they constitute practically the whole show. They seem to regard the balance of the country as a tail to their kite. Like most people whose lives are spent within the narrow confines of a provincial horizon, they put on airs and assume a supercilious and toploftical superiority. But, Mr. President, I did not expect a manifestation of this weakness in the distinguished Senator from New York. I had supposed that he, being a student and a traveled man, was too familiar with this country and his countrymen to indulge such conceits. "What right," the Senator exclaims with dramatic effect, "have the people of Iowa, Minnesota, or Missouri to make a profit out of the people of New York and Boston?" If I were disposed to be critical or quarrelsome I might remind the Senator that for a generation New York and Boston, under our governmental policies, have been in many ways—and sometimes by ways that are dark and by tricks that are vain—been making large profits out of the people of Iowa, Minnesota, and Missouri. I might well recall the old campaign simile of the cow feeding on the fields of Iowa, Minnesota, and Missouri while the velvet hands of the fine gentlemen of New York and Boston were milking her. I will not, however, open up that delicate and disagreeable subject at this time. It might not be conducive to amity and good will. If the statement I have quoted from the Senator from New York had originated with some one less distinguished I will not say how I would characterize it, but, falling from the lips of a lawyer and publicist so renowned as the Senator from New York, I can only characterize it as amazing.

I have no statistics at hand to support me, but I venture again to assert that the seaboard cities mentioned by the Senator do not contribute as much of the overseas postal revenue to the Treasury as is contributed by the balance of the country. It is possible that of purely commercial mail these cities may send as much as the remainder of the country, although I seriously question that, for there are many large and important centers in the interior whose people directly export and import an enormous aggregate of productions, and this traffic necessitates a large correspondence. If it were not for the productions of such great Western States as Iowa, Minnesota, and Missouri the importers and exporters of the Atlantic seaboard cities would have far less occasion to write business letters to foreign countries. Mr. President, these Western States contribute their full share to postal revenues, both foreign and domestic, and it is rather a novel argument to advance in the Senate that these States are without moral right to interpose and have a voice in the appropriation of these revenues. I must resist that contention, even though made under the authority of the Senator from New York. The position is utterly untenable.

Mr. President, so far as I am concerned it is unnecessary for any Senator to make an argument to support the right of the Government to make contracts with ship companies for transporting mail between American ports and foreign ports, and to appropriate the public revenues in such amounts as may be necessary to pay the sums called for by such contracts. I think the Government has exactly the same right to make contracts with steamships as it has to make contracts with steam railroads to carry mail. I doubt the right of Congress to take money from the Treasury and donate it as a mere gratuity without consideration or pretense of consideration, although in the light of experience I speak hesitantly in attempting to put any limit on the power of Congress to spend the public money.

But of this I feel sure, that when money is taken from the Treasury to meet the obligations of a contract made under legal authority the Government is acting within its right. In making or authorizing contracts to carry mail we work in the field of public policy, and the question of power to authorize the contracts is not involved. We may contract to pay an excessive compensation, but the amount of compensation we may pay is purely a matter of policy, not of principle. If an excessive rate be intentionally allowed and contracted for, assuming it to be honestly done, then the excess must be a subsidy. If excessive compensation intentionally granted is not a subsidy, then it is something worse—it is a graft. No, Mr. President, I do not deny the right of the Government to make contracts such as this bill would authorize; my objection goes solely to the policy of such contracts.

The Senator from New York draws some analogy between ocean mail service and the Rural Free Delivery Service. The Senator says that in his opinion contracts for carrying Ameri-

can mails to distant countries rest upon the same basis as the rural free delivery. In one view of the case that may be true. We proceed under the same authority and on the same principle in making contracts with steamships to carry foreign mail that we do when we make contracts with individuals to carry domestic mail over a rural free-delivery route. To that extent the analogy is justified. But when we look beyond the mere question of the right to make these several contracts, and inquire into the legislative intention in passing the law, and into the real meaning of the law itself, the analogy disappears.

If we pay steamships an exorbitant compensation, as provided for in the pending bill—a compensation far beyond the real value of the service and far beyond the rate at which that service would be done by others—then, manifestly, the purpose of the payment is not wholly, or even primarily, to have mail transported, but it is to induce shipowners to put their ships into a certain service for commercial reasons, or for some reason other than the mere carrying of the mail. The carrying of mail would be but an incident to the real purpose. I say this because if mail transportation was the chief object to be attained, it could be attained at less expense through other agencies. The high rate that would be paid under this bill and under like legislation constitutes the very essence, if not the exact form, of a subsidy intended to induce shipowners to perform a commercial service which otherwise they say they would not be able to perform. Why, Mr. President, I have always supposed that the paramount object of those urging legislation of this character was to encourage the growth and expansion of the merchant marine. That view has been here advanced and dwelt upon time and again. Encouragement to the American merchant marine has been the subsidy slogan. The very title of this bill declares that it is "to promote commerce" as well as to provide for a mail service. But, Mr. President, appropriations made for the rural free delivery are not made to promote commerce or to encourage the development of any industry or commercial enterprise. The mail carrier who mounts his little wagon and drives his plodding horse along a country mail route is not the beneficiary of a subsidy. Appropriations for the rural delivery are not made to encourage the breeding of horses or the manufacture of mail wagons, but made solely to subserve a public convenience.

The principle upon which the two appropriations may be authorized is the same, but the underlying purpose in making them is radically different. The only analogy between the two is in the authority upon which the contracts and appropriations are made.

Mr. President, the Senator from New York declares that this measure is not a subsidy bill. Well, is it a subsidy bill? The Senator from New Hampshire [Mr. GALLINGER] agrees with the Senator from New York that it is not. Indeed, these Senators protest with some vehemence against the designation of the bill as a subsidy. They say that the bill is intended merely to increase the pay for carrying mail between the United States and South America, and maintain that the increase is necessary to the proper administration of that postal service. But, Mr. President, it must be remembered, as has been already said by others, that the money that would be expended under this bill, as well as that expended under the act of March 3, 1891, is upon a mileage basis. The mail-carrying steamers are not paid under the existing law, nor would they be under the proposed enactment, for carrying mail by weight or by any other measure, but the payment is and would be for so much per mile without regard to the amount of mail carried. A steamer going out with a single small package of mail, or, to put the case extremely, with only a single letter, would receive just as much from the Treasury as if it carried a ton of mail. In this respect our policy differs from that of England and other countries where payment for carrying mail is not by the mile but for the amount carried. It seems to me, Mr. President, that it is useless to run away from the plain fact that this bill proposes a subsidy. You can not disguise a plain subsidy under a pretense that the money taken from the Treasury is paid out for full value directly and immediately received. Manifestly, it is not so.

The sums taken under this bill from the Treasury and paid to steamers would be not only a subsidy, but sometimes it would be little short of a gratuity. President Taft is more candid than some others. He regards this bill as a subsidy bill and so denominated it. In his message to this Congress, December 7, 1909, the President said:

I earnestly recommend to Congress the consideration and passage of a ship-subsidy bill, looking to the establishment of lines between our Atlantic seaboard and the eastern coast of South America.

This language had reference to this measure or a measure of like import. He was discussing this very kind of legislation.

I am bound to agree with the President when he describes this as a ship-subsidy bill.

Mr. President, I do not see why Senators should be so sensitive about the word "subsidy." It may be that there is some popular prejudice against subsidies, and I think there is, and generally speaking, I think it a well-founded prejudice. But there are exceptions to all rules. I can conceive of a national situation affecting in a large way the general welfare where subsidies might be wisely given. I do not believe that the American public, intelligent and discriminating as it is, can be misled by the striking out of the word "subsidy" from our bills or from our speech and substituting some other term synonymous in meaning, such, for example, as "subvention." You can call it by any name you please, the thing remains the same. Shakespeare said, "A rose by any other name would smell as sweet." Call a subsidy by whatever name you may, it is still a subsidy. The people at large will do as we do here—they will look beyond mere verbiage to the substance of the thing.

Mr. President, so far as I am personally concerned I have no prejudice against the word "subsidy," and I believe it is always better to use the exact term which is descriptive of legislation. If the legislation is right and wise and if it would promote the public interest and serve the general welfare, it should be enacted on its merits, even though it be in fact a subsidy. If to-day we had a great merchant marine, if we were on terms of approximate equality with the leading maritime nations in this behalf, I could see where a condition might arise when it would be necessary for this Nation to subsidize its merchant ships. If our merchant marine was strong enough and was in position to compete on terms of practical equality with the ships of other nations—I mean aside from subsidies—and other nations should, with a view to weakening or handicapping our merchant vessels, grant subsidies to their ships, there would be a situation when the Congress might well consider the advisability of meeting an aggressive foreign policy of that kind by adopting a policy of resistance on our own account, even to the point of subsidizing our ships. Under the conditions supposed, I do not believe we would sit idly by holding our hands while England and Germany and other maritime nations were expending public moneys in the way of subsidies to enable their ships to do the carrying trade at a lower price than our ships could afford to perform the service. If we can put ourselves in a position to compete with foreign countries without regard to subsidies, or, in other words, to compete if there were no subsidies, then I can see where a condition might arise that would justify the Government of the United States in considering the policy, even the necessity, of aiding the merchant marine with public funds. The mere word "subsidy" does not affright me. The light in which I regard it depends on the use made of it and on the circumstances and conditions to which it may be applied.

Mr. President, the loss of our maritime power constitutes one of the most striking, disastrous, and humiliating facts in our history. For the year ending June 30, 1859, 66.9 per cent of the value of our foreign trade was carried in American vessels, while in the year 1909, 50 years later, American vessels carried only 9.5 per cent, although in the meantime the value of our foreign commerce increased from \$692,557,592 in 1859 to \$2,721,351,031 in 1909, or 291.24 per cent. Stating it differently, official statistics show that in 1859, when our foreign commerce amounted to only \$692,557,592, American vessels carried \$465,741,381 as against \$229,816,211 carried in foreign vessels; but in 1909, when our foreign commerce amounted to \$2,721,351,031, only \$258,657,217 was carried in American vessels as against \$2,462,693,814 carried in foreign vessels. In 1909 American vessels carried \$207,084,164 less of our own foreign commerce than was carried in such vessels in 1859, although our foreign commerce in 1909 was four times as great as in 1859.

Mr. President, there must be some fundamental and definite reason for this enormous decrease in the carrying trade done by American ships. It has been customary with some to ascribe the loss of our maritime power and the practical destruction of our shipping interests to the Civil War. Unquestionably that war did have a most hurtful effect on the merchant marine. The appropriation by the Government of merchant vessels for public use and the presence of war vessels on the seas, resulted necessarily in grievous injury to the merchant marine. It is a fact that in 1865, the last year of the war, the business of American vessels had fallen from 69.9 per cent of the total value of our foreign trade, as it was in 1859, to but 27.7 per cent.

But if the havoc of war was the sole cause of this depreciation and loss, it would seem that with the cessation of hostilities and the revival of peaceful pursuits our maritime interests would have taken on new life and gone forward with a new impetus as was the case in almost every other line of enterprise,

But it did not happen so. On the contrary, our maritime interests have steadily declined almost continuously since the last hostile gun was fired at the close of that stupendous struggle between the States. It is true that immediately following the Civil War there was an upward spurt and American shipping did recover a little until in 1870 our ships-carried about 35 per cent in value of our foreign commerce. But from 1870 down to this day, a period of 40 years, American shipping has been gradually decreasing and disappearing, and foreign vessels have been coming in and taking more and more of our commerce. In 1880 the amount of our foreign commerce carried in American ships had fallen from 35 per cent in 1870 to about 17 per cent; in 1890 to about 12 per cent; in 1900 to about 9 per cent, and it has continued at that figure for the last 10 years, thus showing a steady and continuous decrease in the amount carried in American vessels in the face of the fact that our foreign commerce has quadrupled in the period covered. This falling off since 1870 was not due to the ravages of war. We must look elsewhere for the cause. If we can find the cause, then it may be we can find a remedy. Mr. President, I am profoundly interested in the rehabilitation of the American merchant marine. I would love to see our commercial fleet again become a source of pride and glory to the Nation. I would love to see hundreds of American steamers plowing the seas in all parts of the globe. This would be not only gratifying to my pride and patriotism, but, what is more important, it would be a source of wealth, prestige, and power to our country in time of peace and of power and safety in time of war.

A large merchant fleet owned and operated by Americans would give employment alike to American capital and American labor, and would be the greatest of all instrumentalities in spreading American influence and increasing American commerce throughout the world. Ours is a continental Nation. To the east, south, and west we have a sea coast extending thousands of miles, and along this coast are many of our most important centers of population and of commerce, and along this coast are scattered hundreds of growing cities and towns, prosperous with industries, which can supply far more to the needs of mankind than domestic consumption can absorb. We ought, Mr. President, to be in the front rank of the great maritime nations of the earth. We were in the front rank in the old days before the war. Then Great Britain was our only rival and competitor for supremacy, and we were fast pressing for first place in that competition. Now we are down at the very bottom, even below many third-rate powers. Mr. President, I regard this condition as not only disastrous from a commercial viewpoint, but as a blot upon our intelligence and patriotism. I feel, sir, that this inestimable loss we have suffered is the outgrowth of a blind policy of narrow selfishness. I feel as if the great national interests had been sacrificed to limited special interests, largely represented by a few shipyards located chiefly along the North Atlantic seaboard. Our laws, enacted since 1860, have not been so much to encourage the growth of the merchant marine as to afford opportunity to these shipyards to acquire a monopoly. The monopoly has been acquired and it has exercised a baneful influence on the higher interests of the whole people. Yes, Mr. President, my heart and voice are for a great merchant marine. I stand ready to go to any reasonable length to secure its rehabilitation.

But before we can intelligently doctor the disease which is destroying this great interest we must know the cause of the disease. I believe the cause lies chiefly in our navigation laws. These laws must be radically modified or, better still, repealed. There must be a change of policy. We see what these laws and the existing policy have wrought. We can not continue them in the hope that in the course of time they will bring about better results. If we are to make headway, there must be a radical change in our whole maritime policy. Of one thing, Mr. President, I feel perfectly assured, and that is that we can never revive and restore our merchant marine by merely adding subsidies to our present policy. Subsidies under existing conditions can not, in my judgment, result in any general public good, but, on the contrary, would be little more than mere gratuities to shipowners, who, under present conditions, experience difficulty in finding something for their ships to do. Under our present laws and present policy we have been practically driven from the seas. The ships of other nations are carrying not only our foreign commerce but the foreign commerce of all the world. We are practically out of the game, although it is a national and international game of tremendous import. I want that we should get back into the game. But we may expect that Great Britain, Germany, and other maritime countries will resist and in every possible way obstruct the reentrance of this powerful and virile Nation on anything like equal terms into this great field of energy and enterprise.

It is unreasonable to suppose that those rich and powerful nations, now at the top in maritime power and in the commercial control of all the seas, would remain inactive or look indifferently upon an effort made by the United States to again rise into maritime prominence through the mere granting of enormous subsidies or by the giving of public moneys in any form to American shipbuilders or operators.

Laboring, as we now do, under a tremendous disadvantage because of the adverse statutory and economic conditions which hold us in check, is it not reasonable to suppose—aye, is it not a practical certainty—that other nations would go as far as we dared to go in the way of subsidies? It is unreasonable to suppose that other rival nations would look upon a subsidizing policy on our part with indifference and take no steps to retard the progress of that policy and to counteract its effect. If Great Britain and Germany met us halfway and gave subsidies equal to those we might grant, I can not see that our subsidies would increase the number of American ships or tend in any substantial way to the revival of our shipping interests. Great Britain and Germany have cheaper ships, which are operated at less expense, and hence they carry cargoes at a lower rate. The rate is so much lower that American shipowners say they can not compete without a loss. If that be true, as I believe it is, and if that condition is continued, then how would a subsidy granted by the Government help the situation if Great Britain and Germany should at the same time subsidize their ships with equal liberality? The foreign ships would go on just as before offering a lower carrying rate and American ships would continue to labor under the same disability. We might, of course, grant subsidies in amounts sufficient to justify shipowners in operating their ships, even though they controlled but little of the carrying trade, but that would be an absurd policy—in fact, idiotic and intolerable. We do not want ships riding the waves with empty hulls or filled with ballast merely to carry a flag, but we want ships bearing the American flag to bear also the bulk of American commerce and a fair share of the commerce of the world outside. We know that shippers will load on vessels that carry freight the cheapest. We may hire Americans to build and operate ships and pay them to do so out of the public funds, but even then shippers will not load their goods and wares on American ships if the English and German ships will carry their cargoes at a rate materially less.

American shippers in this respect are exactly like shippers in all the world. Why would an American importer or exporter pay an American ship more to carry his cargo than an English or German ship would transport it for? Do you think he would, or even that he should, do so for patriotic reasons? For 40 years the American shipper has had the opportunity to manifest and assert this exalted and sacrificial spirit of patriotism. But we all know that, ordinarily and as a rule, business is not done on an altruistic basis of abstract patriotism. Business is carried on for profit, and no people have a sharper eye or keener scent for the profit side of business than the American people.

Mr. President, if the purpose—both the primary and the ultimate purpose—of those who advocate subsidies is to give aid to idle ships rocking in American harbors then there is method in their madness. It might be a smart scheme and a fine performance if Senators or Representatives could use the Public Treasury to help the folks at home; but if the purpose is to rehabilitate the merchant marine, stimulate shipbuilding, and materially increase the number of American ships, then I am deeply convinced that subsidies alone would, under present conditions, be little more than a waste of public money.

Mr. President, we all know that under existing laws—laws which have been in force for many years—no ship can have American registry or fly the American flag which is not American built. To-day the only ships afloat under our flag are ships built in America, save, perhaps, a few derelicts rescued from wreck and towed into American ports for repair in American shipyards. A few such as these have been admitted to American registry by special acts of Congress, but they are not of enough importance to be worth taking into account. It is generally well known that it will cost about 33 per cent more to construct a ship of almost any given type in an American shipyard than it would cost to construct a like ship in England or Germany. A ship that would cost a million dollars, for example, in an American shipyard would be constructed abroad for about \$650,000. Moreover, it is also generally well known that it costs approximately a third more to operate an American ship than it costs to operate a British or German ship, due chiefly to the higher wages paid on American vessels. These are the two weights with which American shipping is loaded and which it must bear in the race with foreign competitors. Americans are full of

enterprise and audacity, and they accomplish things that seem impossible to others. But our responsible business men are not much given to reckless adventures. They will not enter a field of enterprise bristling with disadvantages that threaten bankruptcy at the start.

Mr. President, why should Americans buy the higher-priced ships at home and operate them at the higher cost, when they can go abroad and buy English ships and operate them under the English flag at two-thirds the cost of the ships and two-thirds the cost of operation, and especially so when they can bring those ships over here and do the same oversea business with them that they could do with American-made ships? It is absurd to expect sensible men to carry on American enterprise at risks so imminent and certain as to insure continuous loss. No such subsidies as we will ever grant, or as the American people could ever be induced to regard with favor, or even with patience, will ever be sufficient to induce Americans to buy and operate American ships under existing conditions in competition with foreign vessels. Such competition would be ruinous. Before we reach a point where we should begin even to consider the question of subsidies, we should first change our whole maritime policy and adopt a course that will bring the American merchant vessel and the foreign merchant vessel more nearly to a plane of equality. We should bring them to a plane where they would start into the fight for supremacy upon terms more nearly equal than now before we should begin to discuss the question of public aid through subsidies or otherwise. Mr. President, I believe in free ships, not only for the oversea traffic, but for the coastwise traffic also. I believe in free ships for every purpose.

We should amend the navigation laws so that Americans may do what the people of other nations can do, go anywhere in the world and buy ships and float them under the registry and protection of their Government. Do that, and we will at least be rid of the disadvantage incident to the higher cost of ships. Do that, and the American can procure his ships at a price no higher than the Englishman or German procures his. In this particular they would all be upon terms of absolute equality, and that would rid us of one-half the disadvantages under which we labor. The remaining disadvantage, from which we would continue to suffer, is the one relating to the higher cost of operating American ships. That remaining disadvantage, I admit, would constitute a serious handicap. Still, if we could get rid of half our burden we will have made progress, and great progress, toward the goal we seek. Let us have free ships, let us equalize the cost of ships, and then address ourselves to the task of lessening the disadvantage incident to the cost of operating. That task will bring us to the question of governmental aid. And speaking of governmental aid, Mr. President, I want now to say that almost any aid extended by the Government must be in the nature of a subsidy.

I do not well see how the Government could financially aid the merchant marine except through some form of subsidy. What could we do in that direction? First, I would favor a discriminating tariff, under which we would allow a reduction on all importations shipped in American bottoms. In that way we could offer an inducement to importers to transport their cargoes in American vessels. That policy has been tried in the past. Such discriminatory rates were embodied in the first tariff law enacted by the American Congress, when Washington was President and when Jefferson and Hamilton were members of his Cabinet. The policy then acted as a quick and vitalizing stimulant to American shipping, and our merchant marine grew apace at a marvelous rate. I know it is said that we have treaties with other countries by the terms of which we have obligated ourselves not to adopt a policy of tariff discrimination in favor of American ships. Such treaties, by whomsoever made, were unwise. The first of these was made more than 90 years ago, and whatever the reason for it then may have been, we have passed beyond that period and come to a time when our national interests and the well-being of the American people demand that we should take steps to get rid of any such obligations wherever they exist.

I am in favor of a discriminating tariff such as I have indicated. It may be said that a discriminating tariff is a subsidy, and in a sense it is. Under that policy a certain amount of tariff duties would be withheld from the Treasury which otherwise would be paid into it, and it might well be said that the sum so withheld would be a subsidy to the shipper and indirectly a subsidy to the ship. I do not deny that; but I have already said that any kind of public aid must be in the nature of a subsidy. Still I feel safe in advocating this policy when behind me and in support of the contention I have the illustrious example of Washington and Jefferson and their compeers. That policy would tend to induce shipments from abroad to the United

States. It would not, of course, affect shipments from the United States to foreign markets. It would not help on the outward voyage. That would have to be dealt with in some other way. In solving that problem we might well take up the question of mail subsidies and the question of tonnage taxes and other things that would tend to put American ships in a position of advantage in American ports. This problem we will have to work out and solve, applying to the work the experience and best judgment available.

Mr. President, if we act wisely and for the best interest of the whole country, we will put aside for the present the idea of subsidizing, and turn our thought and direct our effort to the development of policies that will more nearly equalize us with foreign commercial navies, and then, after we have come nearer to a basis of equality in the general field of ocean traffic, we can take up the subject of public aid. Let us first give the American citizen and shipowner a chance to do something for himself before we begin to talk about the Government doing something for him.

Mr. President, I have proposed an amendment to the amendment offered by the Senator from New Hampshire. There is, of course, nothing novel or original in this amendment. Indeed, this whole subject has been so often and so long debated that I doubt if there is any phase of it about which anything new could be said. The whole subject has been exhaustively discussed in the past and is well understood by Senators and fairly well understood by the country at large. It is proposed in the amendment I offer that the present law be so amended as to authorize free ships for oversea traffic.

The amendment proposes to loosen just a little the bonds that bind our shipping interests and permit Americans to go anywhere to buy their ships or to have them built, and then to put them afloat under American registry and the American flag, provided only that such ships shall be wholly owned by Americans and shall engage solely in carrying freight and passengers between American ports and foreign ports. If the amendment should be adopted it would not authorize the ships purchased under it to participate in the coastwise traffic. Of course the limited extension proposed by this amendment of the right to purchase and use foreign-made ships is far short of what I believe should be done. I would have free ships without limitation as to their use or the service upon which they might be employed. The coastwise trade is one of large proportions and considerable profit. The shipbuilders and shipowners who now enjoy a monopoly of this coastwise business will, of course, again resist, as they have always resisted in the past, the policy of free ships for any purpose, and especially for use in the coastwise trade. These people, I fear, Mr. President, are selfish and narrow—so selfish and narrow that their patriotic impulses do not carry them above or beyond what they conceive to be their own immediate interests. They would sacrifice the merchant marine. They would sacrifice the national interests in all their larger aspects. They are seemingly content that the American flag has been swept from the sea.

The thing they seem to want above all things is the preservation and promotion of their purely local and personal interests. Because of the power these interests exert and because I do not believe that a policy so long established and so strongly supported can be overturned in a day, I have not thought it wise to seek at this time to enact a law providing for free ships for every purpose. I do not believe that such a statute would stand a chance of enactment by this Senate or this Congress. Indulging a bare hope, however, that we might make a start in the right direction, I have proposed this amendment, limiting its operation to ships to be employed solely in foreign commerce. I want to see if our subsidy friends are willing to go that far. If they can muster votes to pass the pending bill, I want to see if they will not at least consent that cheaper ships, bought abroad and owned wholly by Americans, may not be used exclusively for over-sea traffic. Why should not this be done if the real purpose of the proposed measure is to develop our trade and commerce with South America? I can understand why Senators might object to the use of foreign ships if the purpose of the bill is to grant a gratuity to idle American ships anchored in American ports. But it is more difficult to comprehend why they should object if our underlying purpose is to develop and extend our commerce. Anyhow, Mr. President, I shall offer the amendment and ask the judgment of the Senate upon it.

Mr. President, I believe it is nearly always true, as I believe it to be true in this instance, that a narrow, provincial, selfish policy such as that I have indicated is not best in the long run even for those who advocate it and are supposed to profit by it. I believe if we should pursue a wise policy with the one para-

mount object of rehabilitating and restoring our merchant marine to that high degree of power and prestige it formerly held it would be infinitely better for our shipyards and for those interested in shipbuilding. If free ships, supplemented by other aids, should eventuate in a great American merchant marine it seems to me that the shipyards along the coast would have far more to do than now. With hundreds of ships coming home every week from voyages to every clime our shipyards should have a world of work to do. Besides, Mr. President, I am by no means convinced that if our shipbuilders, instead of grasping after a monopoly, should enter boldly against the world into the open field of construction that they could not successfully compete against any rival. The profit upon a given ship might not be so large as now, but the number of ships constructed should be enormously increased. New life and activity would be imparted to this industry and employment could be given to a greater number of workmen.

Within the last few months American shipbuilders successfully competed with the world for a contract for the construction of great war vessels for one of the South American Republics. If they could afford to compete in the open market with England and Germany for a contract of that character and importance; if they can profitably construct a battleship at a price lower than other countries offered to perform the work, I do not see why the same shipyards could not compete in like manner for the construction of ships of commerce. Mr. President, I am not hostile or in any degree unfriendly to the shipbuilders who own and run our shipyards. I am hostile and unfriendly to the selfish policy they have forced upon the country and succeeded in continuing, as I think, to the detriment of the general good—a policy that has been disastrous to our merchant marine. I want the shipyards to prosper; I want the investments in the industry to be remunerative; and I want to see an ever-increasing roll of workmen constantly employed at wages up to the average of the American standard. I believe all this would ultimately be if we should adopt a policy that would restore our merchant marine. Not only would it be best for the shipbuilders, but it would also open new and greater opportunities for the employment of capital and labor in service on the sea. Upon that field no limit can be set. Every consideration promotive of the general welfare points in the direction I am urging the Senate to go.

The other amendment I offer relates to the admission free of duty of foreign-made materials necessary for the construction or repair of vessels built in the United States. I am inclined to the opinion that that is now the law, but there appears to be a disagreement upon that question. I shall offer this amendment, therefore, so as to put the question as to whether such materials shall be admitted free beyond all doubt. It can do no harm to remove the question from the domain of doubt. But, Mr. President, candor compels me to say that even if the amendments I propose should be agreed to, I would still urge the defeat of the bill. The amendments would improve the measure, but the improvement would be in a minor degree. I do not believe a ship subsidy should be thought of until the way for free ships is cleared and opened up.

Mr. President, before closing I desire to call attention to a plank in the Republican platform of 1896 upon which William McKinley was elected President. It is as follows:

We favor restoring the American policy of discriminating duties for the upbuilding of our merchant marine and the protection of our shipping in the foreign carrying trade, so that American ships—the product of American labor, employed in American shipyards, sailing under the Stars and Stripes, and manned, officered, and owned by Americans—may regain the carrying of our foreign commerce.

At that time the Republican Party committed itself to the old Democratic doctrine of a discriminating tariff for the support of our mercantile marine. No platform declaration to the contrary has been made, but the Republican Party, which has been in full control of Congress and the Executive Department since 1896, has made no move whatever to carry that declaration into effect. In a practical way the Republican Party, as a whole, has regarded the policy with disfavor, and it may be fairly said that the declaration of 1896 has been abandoned. As to free ships, it may be absolutely affirmed that the Republican Party has never favored the policy, either in party platform, in legislative enactment, or in the course of executive administration. That party established the present policy of exclusion, and has adhered to it without variation or shadow of turning. Throughout this long, dark period of stagnation in the ocean carrying trade, when every eye could see the mildew of decay settling upon the merchant marine, the Democratic Party has been the only friend and advocate of free ships as one of the things necessary to the rehabilitation of our maritime interests.

Mr. President, I am glad to note that such distinguished Republican statesmen as the Senator from Ohio [Mr. BURTON], the Senator from Iowa [Mr. CUMMINS], and the Senator from Michigan [Mr. SMITH] have seen the light; and I am especially rejoiced that seeing the light they have not shut their eyes with an obstinate determination to go on blindly, but have wisely followed that light along the pathway blazed by the Democratic party. I welcome these wise and influential Republicans to the support of the Democratic plan of dealing with the great questions connected with the merchant marine. In this, as in other things, great numbers of conscientious and patriotic Republicans have come across to our side. Many of the leaders who are with us in conviction have not yet come entirely across into the heart of our camp and donned our uniform, but are still hanging timidly around the outskirts. But, Mr. President, they can not remain long on a neutral zone between Republicanism and Democracy. They must come across to us, or they must go back to feed again from the old flesh pots which they had cast away.

But whatever they may do there are thousands of former Republicans who are convinced at last that the Democratic party is really the party of progress and promise, and after seeing so many of their leaders espouse Democratic ideas and thrill the country with their advocacy have determined to go further and do better than their leaders. They have said if the Democratic party is, after all, the party that stands for things that are the best and for the rights of the common people, we will not stop at halfway measures, but will go over entirely and give our adherence and support to that party. That is what they did last November, and that is what they will continue to do as long as the Democratic party is true to the people and to itself. I would be glad to have such distinguished former Republican leaders as those I have named come forward to the amen corner of the Democratic temple. I would be glad to extend to them the hand of fellowship and baptize them for the remission of sins. Nevertheless, if they still hold back, although repentant, I shall continue to find pleasure in listening to their inspiring advocacy of things Democratic. At least to that extent they will be doing a great and patriotic work, although they might do better by going further.

Mr. President, in concluding these remarks I want to say that to my thinking this Congress could be engaged upon more profitable work than upon this vain and costly attempt to infuse artificial life into our moribund merchant marine through the stimulus of a subsidy. Our shipowners have blindly followed our shipbuilders until they have become little better than mendicants for public alms. This bill is not far short of an appeal for charity. I do not believe the bill will become a law, and if it should it will prove to be a grievous disappointment to those who may honestly believe it would revive the merchant marine. We are wasting time on this measure which might be employed to better advantage. How infinitely better it would be for the public weal if the Congress should turn from this vain pursuit to the consideration of measures of substantial merit. Unless we can dispose of this bill very speedily it should be indefinitely postponed. If we would do something of real moment, we might take up the important reciprocity agreement concluded between the United States and Canada which the President laid before Congress on Thursday last, and press it to a conclusion without delay. And here, Mr. President, allow me a word with reference to this agreement. I have not had time to examine it with proper or satisfactory care, but I have gone over it sufficiently to know that it embodies an international policy of tremendous importance not only to this country, but ultimately to this hemisphere. I do not speak now of its details, but speaking of the agreement as a whole, I will say that for the most part, at least, it has been formulated on correct lines; and being, as I have long been, an ardent advocate of the most liberal trade relations between this country and Canada, I want to see this agreement taken up for action without dillydallying or procrastination.

Mr. President, if this agreement is ratified by the two contracting Governments it will rank as one of the notable achievements of this generation. It will be an epoch-making event in American history, and, looking to the future, no man can estimate its far-reaching and ever-widening influence on the industrial and political life of all American peoples. I shall therefore enter upon the consideration of the agreement in all respects most strongly prepossessed in its favor. I shall not halt or huddle over some minor detail which may not altogether challenge my approval. I will keep before me the fact that mutual concessions are always necessary in agreements of this kind, and that it is inevitable that each party must make some concessions that will not command universal popular approval at home. But despite that fact we must not endanger a great

achievement like this because of some detail which concerns some particular industry or locality. In dealing with a question of this nature and magnitude it must be viewed in the broadest spirit of patriotism and determined wholly from a national standpoint. Mr. President, I do not wish to give to this subject a partisan aspect, but it seems to me that whatever course Republicans, standpat or insurgent, may take, Democrats at least should support this agreement. It seems to me to be in harmony with our well-understood party policy. But, aside from mere party considerations, here is a great question of far-reaching import presented to Congress—one of the greatest we have had to deal with for years—and it ought not to be thrust aside for schemes impossible of realization or for minor questions which pale before the commanding importance of this great international program. Mr. President, we would do a far better service to the country if we should substitute this great reciprocity agreement for this subsidy scheme which, even if authorized, is sure to result in failure and disappointment.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. FRYE. I ask unanimous consent to make a report from the Committee on Commerce.

The VICE PRESIDENT. Without objection, out of order the Senator from Maine makes the following report.

Mr. FRYE. From the Committee on Commerce, I report back favorably, with certain amendments, the bill (H. R. 28632) making appropriation for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and I submit a report (No. 1025) thereon.

I shall try to press the bill for consideration immediately after the close of the morning business to-morrow.

The VICE PRESIDENT. The bill will be placed on the calendar.

STEAMER "MINNESOTA."

Mr. PERKINS. On behalf of the Committee on Commerce, I ask unanimous consent to report back favorably, with an amendment, the bill (S. 10052) to provide American register for the steamer *Minnesota* upon certain conditions, and I submit a report (No. 1026) thereon. I call the attention of the junior Senator from Maryland [Mr. SMITH] to the report.

Mr. SMITH of Maryland. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Without objection, the Secretary will read the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Commerce was, in line 12, after the word "vessel," to strike out "amounted to one-half the actual cost of the said vessel" and insert "amount to 75 per cent of the actual cost of the said vessel, including reasonable salvage," so as to make the bill read:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built steamer *Minnesota*, wrecked at or near Cape Hatteras, if purchased within one year from the date of the passage of this act by the Baltimore & Carolina Steamship Co., of Baltimore City, incorporated under the laws of the State of Maryland, or by Mason L. Weems Williams, a citizen of the State of Maryland and of the United States, to be registered as a vessel of the United States whenever it shall be shown to the Commissioner of Navigation that the repairs on said vessel amount to 75 per cent of the actual cost of the said vessel, including reasonable salvage, and that the said vessel has been purchased by the said Baltimore & Carolina Steamship Co. or by the said Mason L. Weems Williams.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. KEAN. I ask that the report accompanying the bill be printed in the Record.

There being no objection, the report accompanying the bill was ordered to be printed in the Record, as follows:

[Senate Report No. 1026, Sixty-first Congress, third session.]

The Committee on Commerce, to whom was referred the bill (S. 10052) to provide American register for the steamer *Minnesota* upon certain conditions, having considered the same, report thereon with a recommendation that it pass with an amendment as follows:

After the word "vessel," in line 12, strike out the words "amounted to one-half" and insert in lieu thereof the words "including reasonable salvage amounted to three-fourths."

The bill provides that an American register be granted to the foreign-built steamer *Minnesota* if purchased within one year from the date of the passage of this act by the Baltimore & Carolina Steamship Co., of Baltimore, or by Mason L. Weems Williams, whenever it shall be shown to the Commissioner of Navigation that the repairs on said vessel amounted to one-half the actual cost of the said vessel, or, as amended, to three-fourths such value.

Mr. Williams, in papers filed with the committee, shows that the following repairs have been put on the steamer *Minnesota*, formerly the *Laosha*, in American yards:

1908, June, repairs after wreck off Cape Hatteras.....	\$36,700.00
1908, November, repairs after wreck off Cuba.....	7,776.96
1910, April, repairs after collision with <i>Sidra</i>	17,615.04
	62,092.00

He also shows that in addition to the above sum the owners have expended for—

Large repairs to hull, machinery, and boilers in American yards since 1907.....	17,431.08
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Total work done in American yards.....	79,523.08
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The company named above now owns two boats plying between Baltimore and Charleston, and have an option on the *Minnesota*, which they desire to purchase for service on the same line. This vessel can be bought for about \$90,000. It can not, however, be utilized in the service desired unless an American register be granted to her, the coastwise trade being restricted to vessels so registered.

Before the repeal of section 4136 of the Revised Statutes, in 1906, the Secretary of the Treasury was authorized to grant an American register to a foreign-built vessel which had been wrecked in American waters and repaired by an American owner in American yards to an extent equal to three-fourths of her value when so repaired.

Since the repeal of the above section Congress has enacted the following acts granting American registry to foreign-built vessels:

Act of June 30, 1906, for the steam yacht *Waturus*.

Act of same date, for the bark *Homecard Bound*.

Act of March 2, 1907, for the bark *Mariechen*.

Act of February 7, 1907, for the steamers *Marie* and *Success*.

Mr. Williams says, in a statement filed with the committee, that while his company could purchase the vessel in question for the desired use, it could not finance the building of a new ship in an American yard.

CONSIDERATION OF THE CALENDAR.

Mr. SMOOT. I ask unanimous consent that the Senate now proceed to the consideration of the calendar under Rule VIII.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the calendar, under Rule VIII, will now be taken up. Did the Senator from Utah intend that the calendar should be taken up at the beginning, or where the consideration of it was last discontinued?

Mr. SMOOT. What calendar number was last considered?

The VICE PRESIDENT. Calendar No. 869, being Senate bill 8875.

Mr. SMOOT. I think we had better commence at the beginning.

Mr. HEYBURN. We went over the calendar this morning.

Mr. SMOOT. Mr. President, I understand that the Senate has considered the calendar previously to-day, and so I will now request that we commence the consideration where it was left off.

The VICE PRESIDENT. The calendar will be taken up where the consideration of it was discontinued this morning.

FISH-CULTURAL STATIONS ON THE COLUMBIA RIVER.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 8875) to authorize the establishment of fish-cultural stations on the Columbia River or its tributaries in the State of Oregon.

The VICE PRESIDENT. The Secretary will state the pending amendment.

The SECRETARY. The pending amendment is the amendment offered by Mr. CHAMBERLAIN, on page 2, line 7, in the proposed amendment of the committee, after the word "Washington," to strike out the words "and Idaho" and the comma, and between the words "Oregon" and "Washington," to insert the word "and," so that it will read—

The States of Oregon and Washington through appropriate legislative action.

The amendment to the amendment was agreed to.

Mr. CHAMBERLAIN. I desire to offer the amendment to the committee amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Oregon to the committee amendment will be stated.

The SECRETARY. On page 2, line 12, it is proposed to amend the amendment by striking out the words "any fishery laws of the States to the contrary notwithstanding."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LAND IN DONA ANA COUNTY, N. MEX.

Mr. SMITH of Michigan. I ask unanimous consent for the present consideration of the bill (H. R. 20109) to quiet title to certain land in Dona Ana County, N. Mex.

Mr. SMOOT. I shall not object to the present consideration of that bill at this time, but, after it is considered, I shall then ask that the regular order be proceeded with.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EFFICIENCY OF THE ORGANIZED MILITIA.

The bill (S. 9331) to increase the efficiency of the Organized Militia, and for other purposes, was announced as the next bill in order.

The Secretary read the bill, as follows:

Be it enacted, etc., That upon the request of the governors of the several States and Territories concerned, the President may detach officers of the active list of the Army from their proper commands for duty as inspectors and instructors of the Organized Militia as follows, namely: Not to exceed one officer for each State, Territory, and the District of Columbia; not to exceed one additional officer for each division, brigade, regiment, and separate battalion of infantry, or its equivalent of other troops: *Provided*, That line officers detached for duty with the Organized Militia under the provisions of this act, together with those detached from their proper commands, under the provisions of law, for other duty the usual period of which exceeds one year, shall be subject to the provisions of section 27 of the act approved February 2, 1901, with reference to details to the staff corps, but the total number of detached officers made subject to the provisions of this section by this act shall not exceed 612: *And provided further*, That the number of such officers detached from each of the several branches of the line of the Army shall be in proportion to the authorized commissioned strength of that branch; they shall be of the grades first lieutenant to colonel, inclusive, and the number detached from each grade shall be in proportion to the number in that grade now provided by law for the whole Army.

Sec. 2. That the vacancies caused or created by this act in the grade of second lieutenant shall be filled in accordance with existing law, one-fifth in each fiscal year until the total number of vacancies shall have been filled: *Provided*, That hereafter vacancies in the grade of second lieutenant occurring in any fiscal year shall be filled by appointment in the following order, namely: First, of cadets graduated from the United States Military Academy during that fiscal year; second, of enlisted men whose fitness for promotion shall have been determined by competitive examination; third, of candidates from civil life between the ages of 21 and 27 years.

Sec. 3. That the President is authorized to make rules and regulations to carry the provisions of this act into effect.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CULLOM. I should like to inquire whether the bill just read has been passed upon by the Military Committee of the Senate.

The VICE PRESIDENT. It has been reported by that committee.

Mr. WARREN. Mr. President, it has been so reported, and it is a bill which has been strongly urged by the National Guard, the Organized Militia of the country.

Mr. KEAN. What will be the expense under it?

Mr. WARREN. The expense incurred under the bill will be about \$400,000 the first or second years and will increase to possibly four times that sum in five years, the limit of time, if the extreme limit of possible cost is reached.

I will say, if further permitted, that a bill of like character has already passed the Senate in a previous Congress, which was more expensive than this and which called for more officers of higher rank, and this is proposed to take the place of the former bill and is in the line of economy as based upon what we have heretofore approved.

Mr. CULLOM. I am in favor of the bill, Mr. President, but I desired to know whether the Military Committee had considered it.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and read the third time.

Mr. BACON. Mr. President, I have not had an opportunity to examine the bill, and I wish to ask the Senator in charge of it whether there is anything with reference to the militia except the detail of officers in this bill.

Mr. WARREN. That is all which is contained in the bill. It provides for the detail of officers and the manner in which vacancies thereby created in the Regular Army shall be filled.

Mr. BACON. I understood that, and I entirely approve of it. I did not know, however, whether or not there was any other provision in the bill, not having it before me.

Mr. WARREN. No; there is not.

The bill was passed.

The title was amended so as to read: "A bill to increase the efficiency of the Organized Militia, to provide officers for duty at military schools and colleges in the several States and Territories, and for other purposes."

SECOND HOMESTEAD AND DESERT-LAND ENTRIES.

The bill (H. R. 15660) providing for second homestead and desert-land entries was considered as in Committee of the Whole. It provides that any person who, prior to the approval of this act, has made entry under the homestead or desert-land laws, but who, subsequently to such entry, from any cause shall have lost, forfeited, or abandoned the same, shall be entitled

to the benefits of the homestead or desert-land laws as though such former entry had not been made, and any person applying for a second homestead or desert-land entry under this act shall furnish a description and the date of his former entry; but the provisions of this act shall not apply to any person whose former entry was canceled for fraud, or who relinquished his former entry for a valuable consideration in excess of the filing fees paid by him on his original entry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELECTION OF SENATORS BY DIRECT VOTE.

The joint resolution (S. J. Res. 134) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States was announced as next in order.

Mr. KEAN. Let that go over, Mr. President.

The VICE PRESIDENT. The joint resolution will go over.

Mr. BORAH. Mr. President—

Mr. SHIVELY. The Senator is not objecting to the joint resolution, is he?

Mr. BORAH. I want to make a request regarding that joint resolution. I want to try to get a day fixed to vote upon it if we can. I ask unanimous consent that upon Saturday, the 11th day of February, immediately after the morning business, we take up the joint resolution, together with all amendments, and vote upon it and the amendments and dispose of the matter before the close of that legislative day.

Mr. BACON. I want to make a suggestion to the Senator. I happen to know that that day has been set apart after a certain hour to pay tribute to certain deceased Senators. That would interfere with the object the Senator has in view.

Mr. BORAH. I will suggest the preceding day, then—the 10th of February.

Mr. PENROSE. Mr. President, I object to any unanimous-consent arrangement about this joint resolution at the present time.

The VICE PRESIDENT. The Senator from Pennsylvania objects.

CRATER LAKE PARK.

The bill (S. 8282) to amend the act of May 22, 1902, establishing Crater Lake Park, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that bill go over, Mr. President.

Mr. CHAMBERLAIN. Mr. President, I hope the Senator will not object to the consideration of that bill.

Mr. SMOOT. I simply want to say to the Senator that another Senator desired to be present at the time of the consideration of the bill. He is not here, and that is the reason I make the request that the bill go over. I have no objection whatever to the bill.

The VICE PRESIDENT. The bill will go over.

SALE OF LANDS NOT NEEDED FOR RECLAMATION PURPOSES.

The bill (H. R. 25235) to provide for the sale of lands acquired under the provisions of the reclamation act and which are not needed for the purposes of that act was considered as in Committee of the Whole. It provides that whenever, in the opinion of the Secretary of the Interior, any lands which have been acquired under the provisions of the act of June 17, 1902 (32 Stats., p. 388), commonly called the "reclamation act," or under the provisions of any act amendatory thereof or supplementary thereto, for any irrigation works contemplated by that act are not needed for the purposes for which they were acquired, the Secretary of the Interior may cause such lands, together with the improvements thereon, to be appraised by three disinterested persons, to be appointed by him, and thereafter to sell the lands for not less than the appraised value at public auction to the highest bidder, after giving public notice of the time and place of sale by posting upon the land and by publication for not less than 30 days in a newspaper of general circulation in the vicinity of the land.

It also authorizes the Secretary of the Interior, upon payment of the purchase price, by appropriate deed to convey all the right, title, and interest of the United States of, in, and to such lands to the purchaser at the sale, subject to such reservations, limitations, or conditions as the Secretary may deem proper; but not over 160 acres shall be sold to any one person.

It also provides that the moneys derived from the sale of such lands shall be covered into the reclamation fund and be placed to the credit of the project for which such lands had been acquired.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RURAL PARCELS POST.

The bill (S. 9935) authorizing a parcels-post service on rural routes was announced as next in order.

Mr. HEYBURN and Mr. SMOOT. Let that bill go over, Mr. President.

The VICE PRESIDENT. The bill will go over.

RETIREMENT OF MEDICAL RESERVE CORPS OFFICERS.

The bill (S. 9351) to provide for the retirement of officers of the Medical Reserve Corps was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That the act approved June 22, 1910, entitled "An act providing for the retirement of certain medical officers of the Army" be, and the same is hereby, amended as follows:

Strike out the words "in the War of the Rebellion," following the words "enlisted man," in said act, so that the act as amended will read:

"Be it enacted, etc., That any officer of the Medical Reserve Corps who shall have reached the age of 70 years, and whose total active service in the Army of the United States, Regular or Volunteer, as such officer, and as contract or acting assistant surgeon, and as an enlisted man, shall equal 40 years, may thereupon, in the discretion of the President, be placed upon the retired list of the Army with the rank, pay, and allowances of a first Lieutenant."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend an act entitled 'An act providing for the retirement of certain medical officers of the Army,' approved June 22, 1910."

DEPUTY CLERKS FOR CIRCUIT COURT OF APPEALS.

The bill (H. R. 15665) providing for the appointment of deputy clerks to the United States circuit court of appeals was considered as in Committee of the Whole. It provides that one deputy of the clerk of each circuit court of appeals may be appointed by the court on the application of the clerk and may be removed at the pleasure of the court. In case of the death of the clerk his deputy shall, unless removed, continue in office and perform the duties of the clerk in his name until a clerk is appointed and qualified; and for the defaults or misfeasances in office of any such deputy, whether in the lifetime of the clerk or after his death, the clerk and his estate and the sureties on his official bond shall be liable, and his executor or administrator shall have such remedy for such defaults or misfeasances committed after his death as the clerk would be entitled to if they had occurred in his lifetime.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXPLORATION AND PROSPECTING FOR OIL AND GAS.

The bill (S. 9011) to provide for the granting by the Secretary of the Interior of permits to explore and prospect for oil and gas on unappropriated and withdrawn lands was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized, under such regulations as he may prescribe, to grant to any person, association, or corporation qualified by law to acquire title to mineral lands of the United States a permit to explore and prospect for oil or gas, or both, upon any land of the United States open to mineral exploration, including lands withdrawn pending legislation: *Provided, however,* That the lands covered by any such permit shall be in a compact body, not over 4 miles in extreme length, and shall not exceed 1,280 acres, and no more than one permit shall at any one time be held by any person, association, or corporation: *Provided further,* That no person who is a member or stockholder of any association or corporation which holds any permit, or extension or renewal thereof, nor any association or corporation any member or stockholder of which is the holder of any such permit, or extension or renewal thereof, shall be qualified to apply for or hold a permit, or to apply for or hold any renewal or extension of a permit: *Provided further,* That the applicant shall at the time of filing original application pay to the register and receive a fee equal to 5 cents per acre of the lands upon which permit to explore and prospect is sought.

SEC. 2. That each application for a permit hereunder, or for any extension of a permit, shall, in addition to any other showing which the Secretary of the Interior may by regulation prescribe, contain a declaration under oath that the permit is sought for the person, association, or corporation named therein on his or its own account, and not as the agent, employee, or representative of any other person, association, or corporation, and that such permit is sought with the intention of diligently proceeding to prospect and explore for oil and gas, or either, on the lands described: *Provided,* That assignment of any such permit may be made to any person, association, or corporation qualified to acquire under section 1 of this act, but a certified copy of such assignment, together with proof of the qualifications of the assignee, shall be filed in the local land office within 30 days after date of such assignment.

SEC. 3. That each permit so granted shall extend for a period of one year from the date of issuance thereof, and shall be exclusive during the term thereof as to the lands therein described, and shall only authorize the use of said lands for such exploration purposes.

Sec. 4. That the holder of any such permit shall, during the first 10 months after the issuance thereof, expend on the land at least \$1,000 in prospecting and exploring for oil or gas, and in the event of failure so to do such permit shall not be extended, nor shall the holder thereof be qualified to apply for or hold any other permit covering such land or any part thereof under this act.

Sec. 5. That such permit may, upon proper application therefor, and upon proof that the expenditure has been made as required by section 4 of this act, be extended by the Secretary of the Interior for a period of two years beyond the date of expiration thereof, but no longer, and such extension shall only be granted upon the payment of \$1 per acre of the land covered by such extension and upon showing under oath that between the date of issuance of such permit and the date of the submission of application for renewal thereof there has been expended at least \$2,000 on the land to discover oil or gas, and that the provisions of this act and the regulations established hereunder have been fully complied with.

Sec. 6. That in the granting of any permits as herein provided preference shall be given to persons, associations, and corporations who have already commenced actual operations to discover oil or gas, but no such person, association, or corporation shall acquire the right to explore or prospect for or continue or resume former efforts to discover oil or gas on more than 1,280 acres of land, or such smaller area as the Secretary of the Interior may designate: *Provided, however*, That no person, association, or corporation who has commenced such operations on any land subsequent to the withdrawal thereof as oil or gas land shall receive such preference.

Sec. 7. That upon the discovery of oil or gas in any lands covered by any such permit, the holder thereof may proceed, under and pursuant to any law which may then be in force and effect, to acquire title to, or the right to extract oil or gas from, the lands therein described to the quantity or area permitted by law.

Sec. 8. That no right or privilege shall be initiated or secured for the acquisition of oil or gas land except through a permit as herein authorized.

Mr. KEAN. Mr. President, I should like to ask the Senator from Utah if this bill covers Alaska.

Mr. SMOOT. It does not cover Alaska, but simply the United States proper.

Mr. KEAN. Where is the exception in the bill?

Mr. SMOOT. The coal-lease bill reported to-day by the chairman of the Committee on Public Lands applies to Alaska, and no doubt will be considered in due time.

Mr. KEAN. This bill does not except Alaska?

Mr. SMOOT. It does not apply to Alaska, but applies to the public lands in the United States.

Mr. KEAN. Are not the public lands of Alaska the public lands of the United States?

Mr. SMOOT. The public lands of Alaska have never been considered such unless distinctly mentioned in the law. There was a bill reported this morning by the chairman of the Committee on Public Lands with reference to the leasing of coal lands in Alaska.

Mr. KEAN. I should also like to ask the Senator how much land he expects to be taken up under this bill.

Mr. SMOOT. I can not tell. I wish to say that the purpose of the bill is simply to protect locators of oil lands, prospecting for oil, from having their claims taken from them by other and subsequent locators. As the law stands to-day, when a man locates a piece of land for the purpose of prospecting for oil he can not get his title until he has actually discovered the oil. This bill is to allow him to locate the land and have absolute possession of it for exploring and prospecting for oil against everyone else for the term of one, two, or three years, under conditions provided in the bill. It is recommended by the department and also approved by the Public Lands Committee.

Mr. HEYBURN. Mr. President, I reserved the right in the committee to oppose this bill, should I see fit to do so. I want to call attention to the fact that, in my judgment, it is a measure calculated to create and foster exclusive monopoly of the public lands, in that upon obtaining this license to prospect a very large area of the country is from that time on, for at least one year, excluded from prospecting by any other person. I am very anxious that some legislation should be enacted that will result in a wider exploration and development of these minerals. Every person must be in favor of legislation that will accomplish that.

The experience of this country is that where a prospector goes into any section of the country and demonstrates reasonable grounds to believe that it is rich in minerals, other men will flock in around him, and thus tend to promote larger exploration by a larger number of men than would be possible under this bill.

Then it would absolutely exclude from the field of prospectors any but those having a considerable sum of money at their command. The prospector who has developed the riches of this country would disappear. Unless he was able to make this payment for the land, he could not possibly take advantage of this measure.

Prospecting is ceasing to be a business in this country, not only in regard to oil and gas and coal, but in regard to the precious metals. They have been creeping in upon the rights of the prospector to that extent that to-day the prospector lives only in fiction and romance and the story of the past.

I have given very earnest consideration to this measure, and I can not bring myself to believe that it is wise to tie up so large an area of land for purposes of prospecting and under such conditions as would exclude the very class of prospectors to whom we owe all of the development of our mineral resources.

Ten men would take up 10,000 acres of land, and then for a year or more that country would contain no other prospectors except the one who was able to make this payment and do the work required. It would be a silent country. There would be perhaps one derrick on it. Other men would be shut out.

I think the bill would result in such monopoly as would necessarily develop from giving only to those with large means the right to prospect. They have been prospecting and boring for oil in our State for some years. They have struck some gas, and they have excellent prospects of developing oil wells, but they are in the hands of individuals who could not have taken advantage of the provisions of this proposed act. Had this proposed act been in force, the endeavor that has been engaged in by those men would not have been engaged in at all. I should like Senators to give very serious attention to that question.

Under the mining laws a man is not protected until he has made his discovery and location. The discovery is the first prerequisite to obtaining title to a mining claim. He must discover mineral-bearing rock in place. I admit that that is not applicable to oil and gas in all cases, although I have in my mind some cases in which it would have been applicable. The oil or the gas is developed by drilling wells. Sometimes they strike oil a very few feet from the surface; sometimes only after having gone down hundreds or even thousands of feet. I have never thought that the mining laws should be applied at all to the exploration for oil or gas.

When you draw from an oil well it is like drawing from the ocean. You may drain a vast area of country with one well, and if a man has the exclusive right to a thousand acres of land for purposes of prospecting no other part of that area will be prospected. If 10 men conclude to unite their capital for the purpose of boring a well on each 1,000 acres you will see that it would not be a very vigorous development or prospecting of the country.

I had hoped that we would be able to devise some method by which the oil fields could be developed without creating these monopolies. Of course ordinarily all successful prospecting has been done by poor men. The oil in Pennsylvania was discovered by a man who could not pay his board. The oil in California was first discovered by a poor man. The mines that have enriched this country have been discovered by men who had a mere pittance—what they could carry on their backs.

It may be that the committee of which I am a member could devise some wiser plan. I would throw the entire public domain open to prospecting by anybody who was willing to risk the expenditure of money upon it. I would rather see a hundred prospectors in a neighborhood than to see one. I would rather take the chances on the endeavor of a hundred men than on the endeavor of one.

In boring for oil there are many instances where the well was sunk just a few feet from the channel or from the oil deposit, and they have abandoned the country; have gone away under the impression that their endeavor was the only one that was worth considering, when perhaps had there been a hundred men or any number of men prospecting, some of them might have discovered the oil. That is true in minerals as it is true in oil or gas.

Now, here we are proposing to give the Secretary of the Interior the right to lease to any person or corporation or association of persons a thousand acres of land and say to the rest of the world "stand back; we are going to give these men a chance to make a fortune."

Mr. PAGE. Mr. President—

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Vermont?

Mr. HEYBURN. Certainly.

Mr. PAGE. I should like to ask the Senator from Idaho if he has read the report. You say this gives the Secretary the right to lease 1,000 acres. I see in the report the Secretary says—

There is some doubt as to whether the maximum area fixed—1,280 acres—is not too large for certain localities, and the suggestion is made that it may be advisable to fix a lower maximum in portions of the public-land areas.

Mr. HEYBURN. Yes; I am thoroughly familiar with it. As I said, I am a member of the committee which considered the bill, and we expended a great deal of time and consideration upon this measure.

Mr. PAGE. I understood you to say 1,000 acres was the limit.

Mr. HEYBURN. Well, I was using that merely for convenience—to avoid using the detailed figures.

While I have the very highest regard for the Secretary of the Interior and for all other public officers—they act conscientiously and they endeavor to do what is right—I do not believe that the judgment of the Secretary of the Interior on prospecting for oil or other minerals is based upon an experience that would entitle it to more weight than that of men who have been associated with mining for a lifetime.

The conditions surrounding oil fields in different parts of the country vary just as do the conditions surrounding mining. In California they have a peculiar condition. A very large area there is classified as oil lands and oil has been discovered and is being extracted in immense quantities, but the conditions that pertain to California do not exist in many sections of this country. For instance, in Wyoming, in Idaho, in the State of Washington, in many places there is every reason to believe that valuable oil fields will be developed. But if you are going to tie up so large an area for one enterprise you are going to have a very few men engaged in exploring for oil where there should and profitably could be thousands of men.

No scientific study can aid a man in finding a mine. No geologist ever discovered a mine that ever I heard of. There is not a mine of value in the United States to-day that was ever discovered by a geologist or by any person acting upon scientific principles. Our mines have been discovered by a class of men, pioneers as a rule, who exercised their own common sense and the judgment of the hour, who never read a scientific work relating to the subject. I should like to know if any Senator can name a geologist or scientist who ever discovered a mine. They are not where the scientist expects them. They are where they are found and nowhere else, and they are found by a class of men who go with their energy and their desire for fortune. The Comstock mine was discovered by a poor, broken prospector, who would probably have starved to death before he got out of the country had he not found the mine.

The oil wells of Pennsylvania are an excellent example of the utter failure and impracticability of leaving this to the scientists. Suppose you had tied up 1,000 acres of oil land in Pennsylvania, where oil was first discovered. Of course it was first discovered upon the surface of the river. The Indians used to pick it up on their blankets and wring the blankets out and sell it for oil for medicinal purposes. We remember, or many of us do, when coal oil was first discovered in Pennsylvania.

For that reason I am not inclined to favor a measure which creates the monopoly that is possible under the provisions of this bill, and I do not believe that it will accomplish the purpose for which it is intended. I believe it will result in aggregations of capital going together and tying up a country that is possibly or probably oil territory and taking their time to develop it, and you will wait upon their action. The Secretary may renew the lease; may string it out over years. It is only the moneyed class of men who could take advantage of this bill and get a lease at all.

Now, with those observations, I am willing to leave it to the judgment of the Senate whether we ought to pass such a measure.

Mr. SMOOT. Mr. President, I do not wish to take up much of the time of the Senate. I desire to say, though, that the provisions of the bill are such as to prevent monopoly, and it is drawn in such a way that it would be impossible for a monopoly to exist. As the law is to-day, eight persons can form an association, and they can go on the public domain and make eight different locations of 160 acres each, which amount to 1,280 acres, the same as this bill carries. But when they discover oil they can have out of that amount only 20 acres to each man, or 160 acres for the whole.

Under this bill each person is entitled to just the same amount when oil is discovered. To-day a prospector can go upon the public domain and locate an oil claim. He can work it one year, two years, or more; he can spend ten, fifteen, or twenty thousand dollars upon the claim, and discover no oil. Another prospector can come along, conclude that the locator will discover oil in time, and locate over him a gypsum claim, and if he can do \$500 worth of work upon the claim required by law quicker than the man can discover the oil, he is entitled to a patent to the claim, and the man who first located the land to discover oil and who spent twenty or thirty thousand dollars can not prevent this injustice.

This bill provides that the locator is to be given a right to prospect for oil and an exclusive right so that no one can take his claim away from him before he himself has given up, within the three years, as provided for in the bill, the idea of the discovery of the oil.

I wish to say that the provisions of the bill are such that it is impossible to create a monopoly, because one person can have only one permit; and if the person belongs to a corpora-

tion, the corporation to which he belongs can not be granted a permit. Therefore it seems to me, Mr. President, that the bill instead of creating a monopoly prevents it; and that was the object of the committee in reporting the bill as it is.

Mr. President, I want to say further that the oil prospectors of this country, men who are interested in the development of oil from one end of this country to the other, have appeared before the committee and have pleaded for this kind of legislation to protect them in their investments; and I hope and trust that the Senate will vote to sustain the committee.

In relation to the cost to the locator the first year, it is 5 cents per acre on 1,280 acres, amounting to \$64, and that hardly pays the expenses attached to the entry of the land and the governmental expense incident to it.

Mr. ROOT. I should like to ask the Senator from Utah, in charge of the bill, What, in his view, is the effect of the words in the first section?—

Including lands withdrawn pending legislation.

I observe that under the seventh section of the bill it is provided—

That upon the discovery of oil or gas in any lands covered by any such permit, the holder thereof may proceed, under and pursuant to any law which may then be in force and effect, to acquire title to, or the right to extract oil or gas from, the lands therein described to the quantity or area permitted by law.

That would seem to apply to all lands which can be covered by these permits, including lands withdrawn pending legislation. I do not quite understand what the scope of that is.

Mr. SMOOT. In California there are a great many oil lands that have been withdrawn upon which locations were made before the withdrawal. The locators proceeded under the law existing at that time to develop their oil claims. They hold that they should have a right to still continue the development of the land notwithstanding the withdrawal by the President of that land, and we do not intend to take away from them any right that they may have acquired.

Mr. ROOT. I should hesitate, Mr. President, to vote for a bill which gives a right upon land that has been withdrawn lawfully, and I suppose this must apply to the lawful withdrawing of lands pending legislation. These provisions, taken together, seem on their face to mean that the Secretary of the Interior might by a permit overcome and set at naught withdrawals made pursuant to law. I may be all wrong.

Mr. NELSON. Will the Senator from Utah yield to me for a moment?

Mr. SMOOT. I yield to the Senator from Minnesota.

Mr. NELSON. I want to say that the necessity for the provision to which the Senator from New York refers arises from these facts: Under the former administration most of the old oil fields in California were withdrawn from exploration and location and entry, and that withdrawal is still in force.

The object of this bill is simply to give them a chance. That land has been all locked up, tied up. They can not go there for any purpose to-day. The object of this bill is simply to allow them to explore and ascertain whether there is any oil there. But as long as the withdrawal remains in force, under this bill they can not enter those lands. Legislation is required, as you will see if you will observe the subsequent section of the bill. As long as the withdrawal is in force all they can do under this bill is simply to explore for oil. Beyond that they can not go a step until that withdrawal is revoked or until Congress passes new legislation providing for the entry of the oil land.

The necessity for putting in that provision arises from the fact that nearly all the oil lands out in that region have been withdrawn, as you might say, at haphazard, without any careful investigation.

The Government has simply determined that in a given large area in California there is likely to be oil, and it has withdrawn it, and unless this provision is in the bill no one could proceed even to explore for oil in that region under the present conditions of withdrawal. But, as I said, this is only an exploration license, and as long as the withdrawal remains in force men could not make any final entry of any oil land under the mineral law of the United States. The President would have to revoke the order of withdrawal before that can be done, or Congress would have to pass additional legislation.

Mr. SMOOT. I should like to say to the Senator, too, that this was put in at the special request of the Secretary of the Interior to take care of these cases, as recited by the Senator from Minnesota and myself.

Mr. PAGE. I should like to ask the Senator from Utah whether it would not be wise for us, where the Secretary of the Interior points out a contrary suggestion, to observe that suggestion. On the first page of the bill I find this language:

Provided, however, That the lands covered by any such permit shall be in a compact body, not over 4 miles in extreme length, and shall not

exceed 1,280 acres, and no more than one permit shall at any one time be held by any person, association, or corporation.

The Secretary takes special pains to point out that this may be a dangerous provision, and it seems to me we ought to observe it. He says:

There is some doubt as to whether the maximum area fixed, 1,280 acres, is not too large for certain localities.

Why has the Senator from Utah failed to observe the cautionary signal of the Secretary?

Mr. SMOOT. We discussed the question thoroughly in the committee and in all of the hearings and with the Secretary of the Interior. There is only one State in the United States that could possibly be affected by the recommendation of the Secretary, and that is California. The Senator from Wyoming and the Senator from Colorado, Senator Hughes, insisted that 1,280 acres was not large enough for their respective States, and this is virtually a compromise. Therefore the committee thought the best thing to do under all the circumstances was to accept the 1,280 acres.

Mr. CUMMINS. I desire to ask the Senator from Utah a question. I thought when I read the bill hastily that I was quite prepared to vote for it, but the explanation of the Senator from Utah rather obscures the matter in my mind. He stated that one might be prospecting for oil or gas in a given territory and that some other person might come and locate a gypsum claim on the same spot, and in that way, I take it, interfere with or take from the original prospector some of his rights.

Mr. SMOOT. All of his rights.

Mr. CUMMINS. Does the Senator from Utah understand this bill to authorize the Secretary of the Interior to grant a permit that would be exclusive?

Mr. SMOOT. That is the object of the bill.

Mr. CUMMINS. It is, I assume, of course, exclusive for oil and gas, but is it exclusive for all purposes?

Mr. SMOOT. For the prospecting and exploring of oil and gas.

Mr. CUMMINS. But it is quite evident, is it not, that an explorer for gypsum could go into this territory and locate his claim without any regard to what was being done respecting oil and gas?

Mr. SMOOT. No, Mr. President; that is not what the bill intends. The bill intends, as far as the mining laws are concerned, that it shall be an exclusive permit.

Mr. CUMMINS. I did not so understand the bill. I do not believe the bill so provides.

Mr. SMOOT. I think, Mr. President, it does. It provides—

Mr. CUMMINS. The granting clause is found in the first section, and I beg to read it:

That the Secretary of the Interior is hereby authorized, under such regulations as he may prescribe, to grant to any person, * * * a permit to explore and prospect for oil or gas, or both, upon any land of the United States open to mineral exploration, including lands withdrawn pending legislation.

It had not occurred to me that that grant would prevent any person from entering upon these lands for the purpose of exploring for other minerals.

Mr. HEYBURN. Oh, yes.

Mr. CUMMINS. I think not. The holder of the permit is simply granted the right to explore for oil or gas and nothing else, and no right can be secured by one holding one of these permits which would prevent the occupation of the same lands for other purposes.

Mr. ROOT. May I make a suggestion, in view of the remarks of the Senator from Iowa? It seems it turns upon the meaning of an expression in the third section of the bill which is perhaps a little vague. It reads:

That each permit so granted shall extend for a period of one year from the date of issuance thereof, and shall be exclusive during the term thereof as to the lands therein described.

I should be in a little doubt as to what was meant there. Exclusive of what? Exclusive of others prospecting for oil and gas, or exclusive of all prospecting and of all steps to acquire a right?

Mr. SMOOT. It is exclusive of all steps to proceed to acquire title to that land, but the Senator will notice—

Mr. NELSON. Mr. President—

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I do not understand that I have the floor.

Mr. NELSON. If the Senator will yield to me, I want to call the attention of the Senator from New York to the last part of the section which the Senator failed to read. It is these words:

And shall only authorize the use of said lands for such exploration purposes.

That is for the purposes of exploring for gas and oil. It operates as a limitation, I think, and confines the permit to that purpose.

Mr. SMOOT. In case they were grazing lands the Government would have a perfect right to use them as such, but it is exclusive as to persons initiating a right with the expectation of securing title.

Mr. CUMMINS. Mr. President, that is the very question I had in mind. If it were intended that this permit should be exclusive for all purposes—that is to say, that it should prevent the acquisition or the exploration of these lands for some other purpose than the development of oil or gas—I could not vote for the bill. If it is intended simply to give to the permit holder the exclusive right to explore for oil or gas and then to acquire and hold whatever benefits or advantages might arise from the exploration on account of the discovery of oil or gas, I think it quite reasonable.

Mr. SMOOT. I call the attention of the Senator to the fact that after the discovery of oil on a leased section they must proceed under the present mining laws to obtain title.

Mr. CUMMINS. But my question is this: Suppose while Mr. A is sinking his experimental well for oil, Mr. B appears in the vicinity and discovers a silver mine or a gold mine or a coal mine, is it intended here that the discovery of Mr. B shall inure to the benefit of Mr. A?

Mr. SMOOT. Not at all, Mr. President. I wish to say to the Senator that nearly every acre of oil land, known to-day, at least, is withdrawn land and withdrawn as oil land.

Mr. HEYBURN. Withdrawn for all purposes?

Mr. SMOOT. It is withdrawn.

Mr. CUMMINS. In response to that the suggestion made by the Senator from New York is perfectly clear that the bill covers all lands of the United States, whether withdrawn or not withdrawn.

Mr. ROOT. I understand that to be the position taken by the Senator from Iowa.

Mr. CUMMINS. Precisely.

Mr. ROOT. That this is exclusive of all attempts to acquire title to the land.

Mr. SMOOT. I do not think the Senator from New York would like to restrict the prospector from prospecting for oil on any of the public lands of the United States.

Mr. ROOT. No; certainly not; and I am not opposing the bill. I am trying to find out what it means. I quite realize that prospecting for oil and gas involves a long, continued, and expensive process, and that the kind of protection which we give to the ordinary prospector for minerals, the prospector for gold or silver, is not adequate even if applicable to the prospector for gas or oil. I quite realize that.

I do not think we should go too far. I do not think we should go so far that for a long period we can tie up great extents of country beyond what is absolutely necessary. But I concede we ought to go further than we do for ordinary prospecting for minerals. My trouble is that it seems to me the bill is full of lawsuits, and I do not think we ought to send out a new crop. The courts are already crowded.

Mr. SMOOT. No section of the country could be tied up under the bill longer than a year, and that can be done under the present law.

Mr. HEYBURN. For three years.

Mr. SMOOT. It is first a year, and if they ask for a second year they are required to secure a permit from the Secretary of the Interior, and they can not secure a renewal of the permit unless they spend a given amount of money. Then, if they have not found oil and wish to prospect another year they have to still obtain the renewal of the permit from the Secretary of the Interior. So if any condition arose during the first year why the permit should not be renewed it could not possibly tie the land up longer than one year, unless the Secretary of the Interior so decided.

The bill has been guarded in every way that the Committee on Public Lands deemed advisable. The committee authorized the bill reported. The oil prospectors of the country are asking for it to protect them in the future development of oil lands. The Committee on Public Lands reported it unanimously with the exception of one vote, that of the Senator from Idaho [Mr. HEYBURN]. He reserved the right to make a statement as to his position.

Mr. HEYBURN. Mr. President, I will supplement my statement very briefly. Section 8 is one of the most objectionable provisions in the bill. It is the last section, and reads as follows:

That no right or privilege shall be initiated or secured for the acquisition of oil or gas land except through a permit as herein authorized.

If we were going to legislate on this subject I would have the Government offer a premium for the discovery of oil or gas lands. Instead of throwing restrictions about it, I would offer inducements. The Government could better afford, and it would be a wiser policy, to say to the citizens of this country who have

an equal right in this land, who ever finds oil or gas shall be given certain privileges, just as the old miners always gave the discoverer of gold two claims on the gulch where he discovered it. That is the kind of legislation I would like to see.

No prospector appealed for this legislation; it was the owners of great quantities of oil lands. It was the oil men of California who came before the committee and asked for this kind of legislation. The thousands of prospectors or men who were engaged in it were not heard or considered, and section 8 shuts them out entirely from prospecting for that which the Government is so anxious to have discovered.

Mr. SMOOT. Mr. President, section 8 simply means that the committee believe the Government of the United States should have but one system of prospecting for oil. If we are going to have a permit system to improve the present unsatisfactory law, section 8 is absolutely necessary.

I do not know that I have anything more to say.

The VICE PRESIDENT. If there are no amendments to be offered as in Committee of the Whole, the bill will be reported to the Senate.

Mr. ROOT. I move to amend section 7 by inserting, in line 20, on page 4, after the word "effect," the words "subject, however, to any existing withdrawal."

Mr. HEYBURN. Then there will be nothing left; it is all withdrawn.

Mr. SMOOT. There is no need of destroying the bill, and that is exactly what the Senator's amendment would do. I hope the Senate will vote it down.

Mr. ROOT. That is to say, the bill is intended to permit the Secretary of the Interior to reverse a withdrawal whenever he shall see fit.

The VICE PRESIDENT. The amendment proposed by the Senator from New York will be stated.

The SECRETARY. On page 4, line 20, after the word "effect," insert "subject, however, to any existing withdrawal," so as to make section 7 read:

SEC. 7. That upon the discovery of oil or gas in any lands covered by any such permit, the holder thereof may proceed, under and pursuant to any law which may then be in force and effect, subject, however, to any existing withdrawal, to acquire title to, or the right to extract oil or gas from, the lands therein described to the quantity or area permitted by law.

Mr. SMOOT. I hope the Senator—

The VICE PRESIDENT. The Senator from New York has the floor.

Mr. ROOT. If the Senator from Utah means the opposite of that, then he ought to put in "notwithstanding any existing withdrawal," so that we will know what the bill means.

Mr. SMOOT. The first section of the bill provides for a permit to explore lands withdrawn pending legislation. In the title of the bill we find the words "unappropriated and withdrawn lands." Most of the oil lands of the country are withdrawn. We want to have them developed, and the bill is for the purpose of securing their development. If the Senator's amendment is adopted it simply means that the bill will amount to very little, indeed.

I ask the Senate to vote down the amendment.

Mr. ROOT. I will withdraw the amendment, but I think the opposite ought to be put in the bill.

The VICE PRESIDENT. The Senator from New York withdraws the amendment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and it was read the third time.

The VICE PRESIDENT. Shall the bill pass?

Mr. HEYBURN. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered and the Secretary proceeded to call the roll.

Mr. CULLOM. I should like very much to have an executive session to-night. There are important nominations to be disposed of.

The VICE PRESIDENT. The roll call can not be interrupted. It has been begun.

Mr. DILLINGHAM (when his name was called). Owing to my general pair with the senior Senator from South Carolina [Mr. TILLMAN], who is absent, I withhold my vote.

Mr. WARREN (when his name was called). I have a general pair with the Senator from Mississippi [Mr. MONEY]. I am not certain how that Senator would vote if present. I suggest to the Senator from Missouri [Mr. STONE] that if he wishes to vote I will transfer my pair to my colleague [Mr. CLARK of Wyoming], with whom the Senator from Missouri has a general pair.

Mr. STONE (after having voted in the negative). I am glad the Senator called my attention to my pair. It was an oversight on my part.

Mr. WARREN. Then I will transfer my pair, so that the Senator from Mississippi [Mr. MONEY] will stand paired with the Senator from Wyoming [Mr. CLARK], and I will vote. I vote "yea."

The roll call was concluded.

Mr. BRADLEY. I am paired with the junior Senator from Tennessee [Mr. TAYLOR]. Has he voted?

The VICE PRESIDENT. He has not voted.

Mr. BRADLEY. I withhold my vote.

The result was announced—yeas 19, nays 17, as follows:

YEAS—19.

Bacon	Cullom	Penrose	Thornton
Briggs	Gamble	Perkins	Warner
Burnham	Jones	Piles	Warren
Carter	McCumber	Richardson	Young
Crane	Nelson	Smoot	

NAYS—17.

Brandegge	Burton	Lodge	Stone
Bristow	Crawford	Overman	Terrell
Brown	Cummins	Page	
Bulkeley	Heyburn	Purcell	
Burkett	Kean	Root	

NOT VOTING—55.

Aldrich	Davis	Guggenheim	Scott
Bailey	Depew	Hale	Shively
Bankhead	Dick	Johnston	Simmons
Beveridge	Dillingham	La Follette	Smith, Md.
Borah	Dixon	Lorimer	Smith, Mich.
Bourne	du Pont	Martin	Smith, S. C.
Bradley	Elkins	Money	Stephenson
Burrows	Fletcher	Newlands	Sutherland
Chamberlain	Flint	Nixon	Swanson
Clapp	Foster	Oliver	Tallaferro
Clark, Wyo.	Frazier	Owen	Taylor
Clarke, Ark.	Frye	Paynter	Tillman
Culberson	Gallinger	Percy	Wetmore
Curtis	Gore	Rayner	

The VICE PRESIDENT. No quorum has voted.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 18 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 31, 1911, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

Monday, January 30, 1911.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday, Sunday, January 29, 1911, was read and approved.

BALTIMORE & WASHINGTON TRANSIT CO. OF MARYLAND.

The SPEAKER. The Chair lays before the House the following Senate bill from the Speaker's table, substantially the same as a House bill on the House Calendar, which the Clerk will report.

The Clerk read as follows:

A bill (S. 10053) to extend the time within which the Baltimore & Washington Transit Co. of Maryland shall be required to put in operation its railway in the District of Columbia, under the provisions of an act of Congress approved June 8, 1896, as amended by an act of Congress approved May 29, 1908.

Be it enacted, etc., That the time within which the Baltimore & Washington Transit Co. of Maryland is required to put in operation its railway in the District of Columbia, under the provisions of an act of Congress approved June 8, 1896, as amended by an act approved May 29, 1908, be, and the same is hereby, extended for a term of 18 months from the 28th day of May, 1910, and that all the franchises, rights, privileges, and powers conferred by said acts, or either of them, may be enjoyed and exercised by said railway, or its successors in interest, as fully and completely as if said railway had been completed and put in operation prior to May 29, 1910.

Mr. MANN. Mr. Speaker, may I ask who is in charge of this bill?

The SPEAKER. The gentleman from Virginia.

Mr. CARLIN. I am.

Mr. MANN. What does it do?

Mr. CARLIN. This is simply to extend the time for the operation of the railroad that is already constructed. Under its original charter it had to begin operations within a given time. The road has been built and tracks are down, but by delay in the procurement of cars it was impossible to begin operations in the time provided for, and this is simply to extend the time.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time and passed, and a similar House bill (H. R. 29166) on the House Calendar was ordered to lie on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following

titles, in which the concurrence of the House of Representatives was requested:

S. 9094. An act to authorize the Secretary of War to sell to the Nahant & Lynn Street Railway Co. a portion of the United States coast defense military reservation at Nahant, Mass.;

S. 3662. An act for the erection of a monument over the grave of President John Tyler;

S. 10304. An act to authorize the construction, maintenance, and operation of a bridge across the Tombigbee River near Iron Wood Bluff, in Itawamba County, Miss.; and

S. 9957. An act to authorize the sale of burnt timber on the public lands, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 9094. An act to authorize the Secretary of War to sell to the Nahant & Lynn Street Railway Co. a portion of the United States coast defense military reservation at Nahant, Mass.; to the Committee on Military Affairs.

S. 3662. An act for the erection of a monument over the grave of President John Tyler; to the Committee on the Library.

S. 9957. An act to authorize the sale of burnt timber on the public lands, and for other purposes; to the Committee on the Public Lands.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GARDNER of Michigan. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 31856, the District of Columbia appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 31856, the District of Columbia appropriation bill, with Mr. TILSON in the chair.

Mr. GARDNER of Michigan. Mr. Chairman, it will be remembered that when the House adjourned on Saturday night it was with the understanding that when the bill was again taken up we should go back to page 93 of the bill, line 13, "Reformatory and workhouse," as the only remaining point to be considered in the bill.

The CHAIRMAN. When the committee rose on Saturday afternoon an amendment offered by the gentleman from Virginia [Mr. CARLIN] was pending. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

Insert after line 12, page 93:

"Provided, That no part of any appropriation contained in this act shall be expended for any purpose whatsoever for a reformatory or asylum or workhouse in the State of Virginia within a radius of 10 miles from Mount Vernon, except the one now located at Ocoquan, Va."

Mr. DOUGLAS. Mr. Chairman, I want to say a few words in support of this amendment. I have read with a good deal of care the report of the committee and the hearings before the committee and the arguments made by the Commissioners of the District in favor of the establishment of a reformatory within 3 miles of the revered home of George Washington. I am perfectly well aware that the money has already been expended for this site, but, in spite of that fact, I believe that this House should, by adopting this amendment, set its face against any appropriation that will lead to the establishment of this institution upon the next beautiful point of land on the Potomac to the one about which so many of the tenderest sentiments of the people of this country cluster.

I do not intend to indulge in any mock sentiment or heroics about the site of Mount Vernon. I believe that the sentiment that makes Mount Vernon sacred to lovers of liberty throughout the world is a noble sentiment and worth preserving. I believe that everyone appreciates the fact that it is the most sacred homestead in all this land. It is the home from which Washington went to take command of the Army; the one to which he returned when he gave up that command; the one from which he went to become the first President of the Republic, and to which he returned with joy and gladness to end his days; and there he lies buried.

It has been rendered sacred by a thousand associations. It is now in the hands of a patriotic association of ladies, who keep it in order and keep it open to the public.

I believe that every man on the floor of this House, if the proposition were an original one as to whether or not this reformatory ought to be established so near to Mount Vernon, would vote against it. There may be many of the Members of the House who will feel that because the Government has appropriated a considerable sum and has acquired the site

that therefore the projected building should go forward and the site become a permanent one.

Now, comparing small things with great, and a rather humorous case to this serious one, I want to call the attention of the House to the fact that last winter when a so-called "rest house" had been established at Du Pont Circle and substantially built, this House, not believing that it had been wisely located, threw away the money that had been used to erect it and determined that it should not be located at that point. I believe that the House acted wisely then. If it were true that the money which has been spent for the Belvoir site would be lost to the Government, there might be some hesitation on the part of the Members of the House voting to refuse to permit this appropriation to be expended there. And it is for that reason that I call the attention of the members of the committee to the language of the commissioner who laid this matter before the Committee on Appropriations. He says:

The Belvoir tract was purchased very cheaply. There were many heirs holding undivided interests in the tract. Six-sevenths of the heirs wished an immediate partition, which could only be secured if the land was obtained in condemnation by the Government. This being the case, we were able to enter into an agreement with the six-sevenths interest that the land should cost the Government not more than \$22 an acre, provided we would agree to proceed to take the tract by condemnation proceedings. In condemnation the award was \$28 per acre, but the Government obtains the site for \$22 by reason of the circumstances and agreement above described.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. DOUGLAS] has expired.

Mr. DOUGLAS. I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

Mr. GARDNER of Michigan. I would like to say to the gentleman from Ohio that we are here by courtesy this morning. Other important matters are to follow. If the gentleman will conclude at the end of five minutes, I shall be glad.

Mr. DOUGLAS. I will do so, and probably in less time.

Mr. MANN. Would it be possible to arrive at any agreement as to time?

Mr. CARLIN. I have charge of the amendment, and I am willing to agree as to time.

Mr. DOUGLAS. I hope, Mr. Chairman, this will not be taken out of my time.

Mr. MANN. The gentleman's time is not extended yet. I think the gentleman will get his time.

Mr. CARLIN. I have no desire to delay, but I want a vote.

The CHAIRMAN. Is there objection?

Mr. MANN. Reserving the right to object—

Mr. CARLIN. I will agree to an hour on each side.

Mr. MANN. Ask unanimous consent for an hour on each side.

Mr. GARDNER of Michigan. Mr. Chairman, in view of the interest on this subject, I ask unanimous consent that debate be limited to one hour on a side, upon the amendment and all amendments thereto.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that debate on the paragraph and all amendments thereto be closed in two hours; one hour to be controlled by the gentleman from Michigan and one hour by the gentleman from Virginia. Is there objection?

Mr. STAFFORD. Reserving the right to object, do I understand that the gentleman's request extends to the following paragraph that refers to the workhouse?

Mr. GARDNER of Michigan. To the pending amendment and all amendments thereto.

The CHAIRMAN. Does the Chair understand that unanimous consent extends to all parts of the bill that have not been passed on?

Mr. GARDNER of Michigan. To the amendment now before the House and to all amendments that may be offered to it.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that debate on the pending amendment and all amendments thereto shall be limited to two hours—one hour to be controlled by the gentleman from Michigan [Mr. GARDNER] and one hour to be controlled by the gentleman from Virginia [Mr. CARLIN]. Is there objection? [After a pause.] The Chair hears none. The Chair will recognize the gentleman from Virginia.

Mr. CARLIN. Now, Mr. Chairman, I yield to the gentleman from Ohio five minutes of my time.

Mr. DOUGLAS. Now, Mr. Chairman, the only other reasons that are urged in the hearings as to why it would be undesirable that this site be abandoned is also found in the testimony of Commissioner Judson before the committee, and is as follows: First, that there would be delay of a year probably in the building of this institution; and second, that some other site would have to be obtained, which would render transpor-

tation to and from the prison as economical as the one now selected.

In answer to the latter proposition, I only have to say what everybody in the House knows, who knows anything about the location, that the whole coast of the Potomac on both sides for 20 miles below the city of Washington is open to the commissioners for a selection of a site, and that any site along the river will be equally accessible so far as river transportation is concerned. So that we are simply met by the proposition as to whether or not we will sell the Belvoir tract, which was undoubtedly obtained very cheaply, and buy a site for this prison which will not be an offense to the best sentiment of the people of the country. I earnestly hope that Congress will not make the serious mistake of lending its known and open aid to the establishment of a prison upon the next beautiful point on the Potomac to that occupied by the home of George Washington. I believe it would be a gross violation of a high and ennobling sentiment; a sentiment that this Congress ought to conserve, cherish, and foster. I am convinced that it would be a gross mistake upon the part of Congress to permit this thing to be done. I hope the amendment of the gentleman from Virginia will prevail.

Mr. GOULDEN. Will the gentleman state what is the distance between the proposed site for this reformatory and Mount Vernon?

Mr. DOUGLAS. It is about 3½ miles on a direct line.

Mr. GOULDEN. Is the proposed site of that reformatory in view of Mount Vernon?

Mr. DOUGLAS. That will depend upon the height of the buildings. But the commissioners say that they are going to locate them on the slope which is away from Mount Vernon, and that they are not going to build them high enough to be seen. This is a matter that the present commissioners can control. But when they have obtained the site and located the reformatory, future commissioners, when they want to place other buildings there, may build them where they please and any height they please.

Mr. GOULDEN. And there is nothing but water between both places?

Mr. DOUGLAS. That is so.

Mr. PARSONS. Would it not be for Congress to say whether high buildings should be erected? The commissioners could not get any money for the purpose of building without Congress voted it for them.

Mr. DOUGLAS. Congress might be able to control the matter, but Congress would not probably do so. I do not believe anybody doubts that, if this site is selected for a District prison, in the years to come it will be improved according to the ideas of the prison commissioners, and not with any view of making it less objectionable to those who are interested in Mount Vernon. But in the name of common sense and common patriotism, when all the coast of this river for 20 miles is open to the District to build a prison upon, what is the use of taking the point next to the home of Washington for it? [Applause.]

Mr. PARSONS. Would not that sentiment be an objection also to taking the point farther beyond?

Mr. DOUGLAS. But why take either one next to it? The whole coast is open on both sides of the river. The prison can be located on the Maryland side, under the law, as well as on the Virginia side. There is plenty of room in the States of Virginia and Maryland for this prison, so that it is not necessary to locate it next to Mount Vernon.

Mr. PARSONS. But is it not really a question between the place where they have located it and some place back in the country that has no water communication?

Mr. DOUGLAS. Not at all. Everybody who has traveled up and down the river knows that the number of locations is almost infinite where water communication by the Potomac can be had with the District.

Mr. GARDNER of Michigan. I should like to ask the gentleman from Ohio how he will get from the site of the proposed reformatory to Mount Vernon, going three and one-half miles, as he says.

Mr. DOUGLAS. It is not a question of how you will get there.

Mr. GARDNER of Michigan. Oh, yes.

Mr. DOUGLAS. You will get there in a boat. There is water communication between the two points.

Mr. BUTLER. I should like to ask the gentleman from Ohio a question.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. GARDNER of Michigan. Does the gentleman from Virginia [Mr. CARLIN] wish to use some of his time now?

Mr. CARLIN. Not now.

Mr. GARDNER of Michigan. I yield to the gentleman from Ohio [Mr. TAYLOR] 20 minutes, or so much thereof as he wishes to use.

Mr. TAYLOR of Ohio. Mr. Chairman, I yield to no man in this House in my absolute respect and reverence for the historic sites that border the great Potomac River. That sentiment has caused a good deal of trouble in the locating of this reformatory—not prison—somewhere where it would not be objectionable to those who own or operate these historic sites. I have the highest regard for the ladies who are the regents of Mount Vernon and the greatest admiration for all they have done to keep up and perpetuate the tomb of our first President and his former home. No one would listen more willingly than myself to any argument that these splendid women could present if it was in any sense founded upon reason or upon fact. But they are entirely misled as to the real conditions surrounding this purchase, and when I know that to be the fact, as I do know it, I can not submerge my judgment, nor does the committee feel like submerging its judgment, to a mere sentiment, misguided and misplaced. Let us see what the trouble is. We can not afford to pander to an unreasoning fear of desecration when there is not the slightest chance of any desecration of any of the historic spots along that great river.

Under the act of a year or two ago the District Commissioners were authorized to buy, and did buy, a site upon which is now established and in operation a workhouse, with several hundred prisoners in it, at Occoquan, right where this green mark is on the map.

This institution at Occoquan is now in operation. It is not a great pile of buildings which look like any prison, but the prisoners themselves hewed the timber, cleared the land, sawed it, and put it into houses, and are living in what you might call camps or barracks, surrounded by a wire stockade and under a proper guard. There are some 400 or 500 prisoners just as accessible to Mount Vernon as there will be at this proposed reformatory.

Then we proceeded, as a matter of economy to purchase 1,500 acres of land in the Belvoir tract, included in the blue lines which you see upon this map. The Belvoir tract is not the entire peninsula, as one might be led to think by the incorrect map which has been passed around here to-day, but is the south portion of the peninsula, which is on the south slope of the ridge of land running through the center, 200 feet high. We have bought the slope on the south of the ridge running down to the river away from Mount Vernon and entirely out of sight, and paid therefor \$22 per acre, and the money is in the hands of the heirs and the title is in the United States.

Now, this reformatory will occupy 10 or 15 acres of this entire tract of 1,500 acres.

Mr. COX of Indiana. How much was paid for it?

Mr. TAYLOR of Ohio. Something like \$36,000. There is on this land the timber of the primeval forest, with no buildings or improvements whatever there. The reason the commissioners bought this particular tract was because it was sanitary, easily drained, high, no malaria, and on it we had the material to occupy these young men from 17 years of age up—first termers, not hardened criminals—at work constructing improvements, and learning some trade while they go through a period of probation.

Also, they have a water plant at Occoquan, some 4 miles away, and it is proposed, as a matter of economy, to use the one plant to furnish water for both institutions.

Further, we do not propose to drag our prisoners from the courts in this city to Occoquan or the reformatory in trains, shackled, as they do in other places, but we propose to purchase a boat which will carry the prisoners from Washington, carefully concealed from public gaze, and land them at Occoquan and the reformatory landings so that these two institutions classed together can work out a great economy. Now, if you move this site, you not only lose the investment but you destroy the penal system which we have brought to an almost complete conclusion; you destroy everything from the present workhouse and jail down to Occoquan which can not be run economically alone.

Mr. HARRISON. Will the gentleman yield?

Mr. TAYLOR of Ohio. I will yield to the gentleman from New York.

Mr. HARRISON. Was the Occoquan situation procured by condemnation or purchase?

Mr. TAYLOR of Ohio. It was procured, I think, by condemnation, but I am not certain.

Mr. HULL of Iowa. By purchase.

Mr. CARLIN. It was procured partly by purchase and partly by condemnation.

Mr. HARRISON. Is the present site under discussion to be acquired by condemnation?

Mr. TAYLOR of Ohio. It has been acquired by condemnation and paid for.

Mr. HARRISON. Is it the position of the gentleman from Ohio that the District of Columbia can acquire land in Virginia by condemnation?

Mr. TAYLOR of Ohio. The court held that we had a right to acquire it by condemnation.

Mr. CARLIN. The condemnation proceedings were taken in the name of the United States.

Mr. TAYLOR of Ohio. Yes; and the title to the land is in the United States.

Mr. HARRISON. If such proceedings are upheld, the District Commissioners could go into New York City and condemn land in Central Park.

Mr. TAYLOR of Ohio. This land was condemned and paid for by the United States Government.

Mr. CARLIN. And I propose to show that we can not operate this institution if we go on with it.

Mr. TAYLOR of Ohio. Now, Mr. Chairman, I want to call the attention to the situation down there, and we might as well understand this now. I have been down to this place within the past two weeks. We went by trolley from Washington to Mount Vernon, and there a party of us took surreys and horses and drove along this dark line around the deep bay that runs between the two peninsulas down about 4½ miles, then struck the woods, and in through an old timber road—you might say almost no road at all—3 miles to reach the site of this reformatory, making 7½ miles the shortest way we could go, and it took us 1 hour and 45 minutes; two men and a driver in a surrey.

Now, that is its proximity to Mount Vernon. On the other hand, it is claimed that it is 3½ miles from Mount Vernon to the site of this reformatory. The gentleman from Virginia [Mr. CARLIN] on Saturday in his remarks stated it to be about a 20-minute walk as a man walks rapidly. As a matter of fact, it is about 3½ miles from Mount Vernon to the site of the reformatory as the bird flies, but that bird has to fly over several forests, and most of the way over water that no man could walk in, but would have to swim all of the way. In other words, it is absolutely impossible for a man to take the short route as an escaping prisoner.

Mr. Chairman, there seems to be a great fear, and the hearings before the commissioners seem to indicate that the ladies fear, that these hardened criminals—and, by the way, they are only boys and are not hardened criminals—will escape and they will all escape in the direction of Mount Vernon. What earthly thing would take any prisoner to Mount Vernon? He escapes, if he does escape at all, to get away, not to go to the most public and prominent site on that entire coast.

The gentleman from Iowa [Mr. HULL] told me the other day that at Occoquan the escapes were very numerous. I looked the matter up and I found that in the six and a half months during which Occoquan was being built and during the time that the prisoners were living in tents and constructing their own barracks, out of 1,046 prisoners confined during that time there were 28 escapes, and 15 were captured and the balance never went into a house or stopped a person with felonious or other intent. With Occoquan full of hardened prisoners, just about as near and handier to Mount Vernon, because it is on a public highway, there were only that many escapes, and it seems to me that the fear of desecration on the part of these boys, who will be sent to a wooded tract which can not be seen from Mount Vernon under any circumstances, no matter what kind of buildings are erected on the tract, is absurd.

Mr. CARLIN. Will the gentleman yield?

Mr. TAYLOR of Ohio. For a question.

Mr. CARLIN. Speaking of Occoquan, does the gentleman not know that there is a statute which provides that all prisoners shall be brought back from Occoquan to the District of Columbia and released here, and yet there has been 30 or 40 escapes from that institution of people who have not been brought here?

Mr. TAYLOR of Ohio. Why, I gave the number of escapes. There have been 28, and 15 of them were recaptured.

Mr. CARLIN. And the prison had been there only for three months.

Mr. GARDNER of Michigan. Does the gentleman from Virginia know that these prisoners at the time they escaped were living in tents?

Mr. TAYLOR of Ohio. I stated that.

Mr. HULL of Iowa. Will the gentleman give the date of the report of the 28 escapes?

Mr. TAYLOR of Ohio. It is not over two days old. I got it direct from the District government since the gentleman made

the statement to me that they were escaping at the rate of five a day.

Mr. GARDNER of Michigan. And there have been no escapes for some weeks.

Mr. TAYLOR of Ohio. There have been no escapes since they went into permanent quarters.

Mr. BUTLER. Mr. Chairman, it has been impossible to hear all that the gentleman said, and I therefore may ask him, perhaps, to repeat himself. I would inquire how much money the Government has already expended on this plant.

Mr. TAYLOR of Ohio. In the purchase of land, about 1,500 acres, and has spent \$22 for each acre. No improvements made as yet.

Mr. DOUGLAS. Thirty-three thousand dollars, and the land is worth the money.

Mr. BUTLER. How long have we had prisoners at that point?

Mr. TAYLOR of Ohio. We have not had any prisoners at that point at all.

Mr. BUTLER. I understood the gentleman to say something about confining them in tents.

Mr. TAYLOR of Ohio. That is at Occoquan, 4 miles away, and there is just as much of a desecration of Mount Vernon there as at the other site.

Mr. BUTLER. How close is the other site to Mount Vernon?

Mr. TAYLOR of Ohio. Occoquan is about 4 miles farther away from Mount Vernon than is the reformatory site.

Mr. DOUGLAS. Eleven miles, I am informed.

Mr. TAYLOR of Ohio. I have been there and I should say the gentleman's information is not correct. It is nearer 8½ miles.

Mr. BUTLER. Now, is it possible to reach Mount Vernon from where you propose to establish or where the Government proposes to establish this workhouse by land or on foot or are you required to travel part of the distance by boat?

Mr. TAYLOR of Ohio. You can reach it by land if you walk through the woods about 3 miles and over mud roads, some private, until you strike the main highway, and when you are at Mount Vernon you would have to walk 7½ miles through mud over roads almost impassable even in the summer time. Although the great State of Virginia charges more than any other State for tax on automobiles, they do not spend any in Fairfax County as far as I can see.

Mr. BUTLER. It is always muddy. What is the distance in a direct line over the roads which one would have to travel from Mount Vernon to the site?

Mr. TAYLOR of Ohio. There is no direct road; you would have to climb through over this ridge until you strike the shore of the Potomac and then you would have 2½, maybe 3, miles of water to row over if you get a boat, and then some land to walk over again.

Mr. BUTLER. Do you have a view of this location from Mount Vernon?

Mr. TAYLOR of Ohio. It is simply impossible to see a single tree on that land as it is to see from Mount Vernon the present District Jail, and no one on earth can ever make anything visible to Mount Vernon from that tract, and no man will dare make a statement to the contrary.

Mr. DOUGLAS. Why is it impossible to locate buildings on that point so that they can not be seen from Mount Vernon as plainly as the trees can be seen now?

Mr. TAYLOR of Ohio. Why, because the trees the gentleman sees are not on property owned by the United States. I do not know whether the gentleman has ever seen the trees I saw, but I have been there, and I say without the slightest chance of successful contradiction that you can not see a tree on property owned by the Government from Mount Vernon.

Mr. DOUGLAS. Is not the reason why you can not see the trees on the Government tract on account of the trees that remain in private ownership?

Mr. TAYLOR of Ohio. Not at all. The reason is a very simple one.

Mr. DOUGLAS. If the gentleman will permit—

Mr. TAYLOR of Ohio. I have the floor. Mount Vernon is only 40 feet above the river, whereas the ridge at Belvoir is 200 feet above the river, and this location is over the slope and down on the other side.

Mr. BUTLER. Will the gentleman yield?

Mr. TAYLOR of Ohio. Yes.

Mr. BUTLER. As I understand, the Commissioners of the District of Columbia selected this site.

Mr. TAYLOR of Ohio. They did, after making careful investigation of all sites.

Mr. BUTLER. I understand the gentlemen who are advocating this appropriation of money for this purpose are satisfied that the site is a very desirable one.

Mr. TAYLOR of Ohio. Absolutely and clearly satisfied that it is.

Mr. BUTLER. Can the gentleman inform us whether or not there are any other sites along this site or elsewhere that could be acquired for the same or less compensation than is required here?

Mr. TAYLOR of Ohio. I am very glad the gentleman asked that question. There is but one site. Some gentlemen went down and bought the land at \$10 an acre. The men who bought this land recently bought it at \$10 an acre at Quantico, and they are the most persistent fellows with the commissioners trying in vain to sell this land at Quantico, which is so far away as to render it undesirable for this reformatory and also uneconomical, but, if we lose this site, I am reliably informed, we will have to go to them and acquire their land at whatever price we can get it. They will fix the price.

Mr. SMITH of Michigan. But they have not fixed the price.

Mr. TAYLOR of Ohio. But they bought it at \$10 an acre, and we, I suppose, would be required to pay \$40 or \$50 an acre.

Mr. CARLIN. I want to say, Mr. Chairman—

Mr. TAYLOR of Ohio. Now, Mr. Chairman, we have a piece of land far below Mount Vernon. After all, it is the time it takes to get there that counts and the condition of the country as well—7 miles, at least, by road or walking.

Alexandria, on this side of Mount Vernon, is only 8 miles from that point. In Alexandria we find a jail in which are confined hardened criminals at times. Nobody ever claimed that the conduct of a jail by the city of Alexandria was a desecration of Washington's tomb, and yet a prisoner who escapes from Alexandria jail can step into a street car and get to Mount Vernon in eight minutes, while a man could not walk from the reformatory site in less than two hours and a half, and the chances are he would be captured long before that.

They object to Occoquan. There is a man down there who runs a dog farm, and he has sued the District and the United States for \$20,000 damages to his dog farm on the ground, I suppose, that one of the prisoners might escape and bite one of his Great Danes.

We are all interested in nondesecration. I wish to close my remarks, because the time is almost up. Why is it that all of a sudden we find ourselves flooded with letters, petitions, and maps—absolutely misleading maps, gentlemen, as you will see if you examine this one, which is really right—to the effect that we are about to desecrate the shrine of Washington, when, if you go down the Potomac River and look right straight across from Mount Vernon, almost so close that you can throw a stone, you will see the home of the illustrious Marshall family, of Maryland, now maintained as a summer resort. Is it any worse to maintain a reformatory for youthful prisoners at a proper spot along the Potomac, where the atmosphere will be healthy and will tend to the moral uplift? Will that desecrate Mount Vernon any more than to maintain a shad-bake institution and beer garden right across the river from Mount Vernon?

Mr. SIMS. Could this land that has been bought there be sold without material loss to the Government?

Mr. TAYLOR of Ohio. Absolutely not. I do not know how it could be sold.

Mr. SIMS. Then they gave too much for it.

Mr. GARDNER of Michigan. Mr. Chairman, do I understand that the gentleman from Ohio [Mr. TAYLOR] has consumed all of his time?

The CHAIRMAN. The gentleman has consumed 20 minutes, and the gentleman from Iowa [Mr. HULL] is recognized for 10 minutes.

Mr. HULL of Iowa. Mr. Chairman, it seems to me that the gentleman from Ohio [Mr. TAYLOR] was guilty of a great deal of special pleading in his presentation of this case. The Occoquan situation is entirely different from this. It is down the river and across Occoquan Bay and up Occoquan River nearly 5 miles to the point where that prison is located. It is entirely out of sight and out of danger of shocking the sensibilities of the people, unless by escaped prisoners, and it would have been as well if that had been located elsewhere. I confess that the back part of that institution is too near Mount Vernon if they are going to let their prisoners escape. They propose to take the prisoners to and from it by water. That is true. Now, as to the number escaping, I can only say this, that last fall I happened to be at Occoquan, and parties told me that almost every day, and certainly every week, prisoners were escaping, many of them captured and brought back, but enough escaping until they were thoroughly disgusted with it. But the gentleman talks about this site as though it were the buildings that were objectionable. Bless his soul, the Fine Arts Commission has passed on the buildings and say that they are desirable and attractive. It is not the buildings that the good women who

are responsible for the upkeep of Mount Vernon are finding fault with. It is the character of the people that the buildings bring to the neighborhood.

Mr. SMITH of Iowa. Will the gentleman allow me to ask him a question?

Mr. HULL of Iowa. If I have time when I get through, I will answer.

It is not a question of the beauty of the buildings; it is a question of the character of the people, who are gathered from the alleys and slums of Washington, not to be confined within prison walls, but in a reformatory, where they are turned loose on the country, as they say, on their honor. It is said that we have to trust them in order to develop their manhood. While many of them will not violate that trust, a large number of them will. Now, from the back of this point we have got to go across this water, which is a shallow piece of water, on the back bay. It is not a river. It is gradually filling up. It is a bay. There are a large number of small boats on the different shores. The man who gets to the shore can easily get across. Those who cross the land and avoid the water have to do it by crossing the rear of the Mount Vernon estate. It is not a question of their being a danger to the property of Mount Vernon. They would not probably do damage to Mount Vernon. It is a question of their interfering with children who go there picnicking, to visit the tomb of Washington, and cause apprehension of being assailed in the different paths that surround that home.

The gentleman talks about the jail at Alexandria. We can not control that. It furnishes no parallel to this case. No one would think of that. It is only a local institution, and it is not in the small communities that these undesirable people are found, as they are in the District of Columbia. You say you can not see it. So far as that is concerned, the gentleman does not seem to know that he can stand there in the front porch of Mount Vernon and see this entire promontory on the river side. He may not be able to see the buildings, but he says you can not see the site. You can see the site on the point that this is to be built on.

Mr. GARDNER of Michigan. The gentleman is absolutely in error on that.

Mr. HULL of Iowa. It is down the river; it is not quite on that point. You may not see the buildings from Mount Vernon, because of the lay of the land. You say you can not see the site.

Mr. GARDNER of Michigan. The gentleman is mistaken about that.

Mr. HULL of Iowa. Glymont is right on the shore farther down the river on the Maryland side, with deep water to the shore line, and it would be as convenient as this; and then, a little farther down on the opposite side of the river, we have just as convenient a site as this, and certainly just as accessible as this. The same boat running to the Occoquan must pass by this Maryland site, and could thus work for both.

You talk about this being sentiment. It is largely sentiment. Let me say to this House if it had not been for the sentiment of the good women of this country Washington's home and Washington's tomb would have been used long ago like Marshall Hall is used now on the Maryland side. It would have been a summer resort. For one Member of the House, I am willing to recognize that sentiment when it exists as strongly as it does in this case. I am profoundly grateful for the sentiment which preserved this place. I hope the Government of the United States, by action of Congress, at least, will not in any way do violence to the people's feelings in this question, but that by our votes we may show our fixed determination to prevent any criminal institution being located in the neighborhood of Washington's tomb.

Mr. CARLIN. How much time has the gentleman used, Mr. Chairman?

The CHAIRMAN. The gentleman has used five minutes.

Mr. CARLIN. I yield 10 minutes to the gentleman from Maryland.

Mr. PEARRE. Mr. Chairman, my excuse for addressing the House upon this subject is the very deep interest the people of Maryland have naturally in the District of Columbia, and particularly in the home of Washington. It is a fact well known to all the membership of this House that the District of Columbia is located as the seat of the Government on 10 miles square of land which was originally territory of the State of Maryland and was ceded through the generous and patriotic spirit of the State of Maryland and its people to the Government of the United States as a seat of government. At the same time, Mr. Chairman, or about the same time, a cession of an equal amount of land was made by the patriotic State of Virginia for the same purpose, but there was a recession by the Government of the United States back to the State of Virginia of the land

which the State of Virginia had ceded to the Government of the United States for that great public and patriotic purpose.

Mr. Chairman, that explains, in a measure, why, as a Representative of a Maryland district, I have a profound interest in this matter. More than that, sir, the distinguished citizen of Virginia, whose shrine is at Mount Vernon, was a neighbor of Maryland, being a citizen of Virginia, and was familiar with its people and its people were familiar with and on most friendly terms with that great man, of whom the English historian Green said, "He was the greatest man who ever stood in the forefront of a nation's life." He spoke well when he stated that well-known and accurate historic truth.

Now, Mr. Chairman, I am glad to be able to approach one topic connected with the District of Columbia concerning which it is not necessary to indulge in crimination, recrimination, or criticism of any public officer whose duties require him to perform some public function in connection with the District.

Mr. Chairman, the Commissioners of the District of Columbia have simply done their duty and done it patriotically and according to their light, and no criticism of their selection is justified, except a criticism perhaps of their judgment—not of their practical judgment, but a criticism perhaps of a slight want of that lofty spirit of patriotism which should characterize their conduct on this occasion. I entertain for these gentlemen, the two civilians and the officer of the United States Army who is detailed as the military member of this commission, the highest respect. They are gentlemen who, for comparatively small compensation, are performing a great public service, and performing it in a distinguished, capable, efficient, and patriotic way. Therefore I have no word of detraction or criticism to indulge in or to submit with regard to the action of the commissioners.

These gentlemen have proceeded according to law. They have had the lawful right to do everything that they have done; but, Mr. Chairman, this is not, as my friend from Ohio, Mr. TAYLOR, seems to think it is, a mere practical question which should be viewed only in a material light, and the arguments pro and con with regard to which should be of a material character. I base my opposition—and I believe the good women of this land who have interested themselves in this matter, and the patriotic citizenship of this country, which is much more profoundly interested in this subject than the membership of this House seem to believe—all base their opposition to this desecration of the holy shrine of Washington upon the idea that that shrine should be held sacred, and first and above all by the membership of this House. We base our opposition upon what we consider to be loftier grounds than any practical question.

I submit to the House that it is not a question as to whether or not visitors at Mount Vernon, who go to that Mecca of American patriotism to do honor to the memory of Washington, are in danger of being assaulted or interfered with, or their happiness or comfort impaired in any way by the criminals who will be gathered there to serve their sentences in this institution, but our opposition is based upon the idea that the shrine of Washington should not be desecrated by the proximity of any such penal institutions.

The gentleman from Ohio [Mr. TAYLOR] says that from a practical and material point of view this is a most excellent site, and it unquestionably is; and he further argues in favor of this selection on the ground that there is already a penal institution in this neighborhood. We should say it with bowed head and with shame that the Government of the United States has permitted, if it could prevent, the establishment of any penal institution within the radiance of the shrine and last home of the immortal Washington. [Applause.]

The gentleman from Ohio [Mr. TAYLOR] was a little wrong in his history with regard to Marshall Hall; but does not the gentleman see that his reference to Marshall Hall and the jail at Alexandria have absolutely no application to this situation? Why? Because Marshall Hall was not under the control of the Government of the United States nor was the jail at Alexandria. The gentleman from Ohio is lawyer enough, as I have no doubt the other members of the subcommittee are, to know that the Government of the United States had no legal or equitable rights upon which it could base any serious or successful opposition to the establishment of a jail at Alexandria or the establishment of a summer resort and a beer garden and a shad bake at Marshall Hall.

If the Government had had any such power under the law or in equity, I have no doubt that it would have invoked that power; but Marshall Hall has been and is under the control of individuals, and if they choose to desecrate the neighborhood of the shrine of Washington by a shad bake and a beer garden, the Government can not prevent it, nor can the Government pre-

vent the establishment of the jail at Alexandria. But this case is entirely different. This is a case where the Government of the United States must do something. Congress or the Commissioners of the District must take some action before this desecration takes place; and here is where the strong arm of Congress, the representatives of the people, animated and united by their love for the flag and their devotion to their country, the land of progress and civilization, in their desire to promote those things which make for the uplift and the broadening of the minds and hearts of men, can use their power to prevent this desecration.

Mr. TAWNEY. Will the gentleman yield for a question?

Mr. PEARRE. I am sorry, but the gentleman from Minnesota did not do me the courtesy the other day to yield to me when he had criticized me.

Now, Mr. Chairman, you might as well say that it is not a desecration to put a wireless apparatus on top of the Washington Monument or go to Bunker Hill and tear off the top of that magnificent monument, which has been raised there by the patriotism of the patriotic State of Massachusetts, with the assistance of other people in the United States, to commemorate the grandeur of that grand event in American history, the battle of Bunker Hill; you might as well say the cap of that monument could be removed without desecration and a wireless station installed there, because, according to the gentlemen opposed to this amendment and favoring the action of the commissioners in this case, it would be practically the best site that could be selected. That might be said in regard to the Washington Monument or the Bunker Hill Monument or the Washington Monument in Baltimore city. It could be said in regard to any towering monument of man's gratitude and appreciation which has been raised from mother earth to high heaven by the patriotic devotion of the people of the United States to that man whom Green, in his History of the English People, said was the greatest man who ever stood in the foreground of the nation's life. I shall vote in favor of the amendment of the gentleman from Virginia to prevent this desecration. [Applause.]

Mr. GARDNER of Michigan. Mr. Chairman, I now yield 10 minutes to the gentleman from Mississippi [Mr. BOWERS].

Mr. BOWERS. Mr. Chairman, I desire to devote a few minutes of the time allotted to me on this occasion to putting the House in possession of the history of the legislation that resulted in the location of this institution. Several years ago, under authority of law, a penal commission was appointed by the President of the United States, consisting of John Joy Edson, president of the District of Columbia Board of Charities; Justice Wendell P. Stafford, of the District supreme court; and Mr. Robert V. La Dow, of the Department of Justice. This penal commission was charged with the duty of suggesting desirable changes in the District penal system. After their report came in an act was passed authorizing the purchase of two sites of land to be located either in the States of Maryland or Virginia, one in one State and one in the other, or both in either of the States, to be used as sites for a workhouse and reformatory, and the law directed the Commissioners of the District of Columbia, after those sites were acquired, to proceed with the work and erect the two institutions.

A committee, composed of Mr. John Joy Edson, Justice Stafford, and the engineer commissioner, was appointed, bids were opened, and after considerable negotiation the two tracts of land, one the Occoquan site and the other the Belvoir site, now under consideration, were selected. The Belvoir site was condemned in part and purchased in part, the title acquired, and \$36,000 has been paid by the United States for the land. While all this was going on—and it took much time—no controversy arose until very recently. While these negotiations were in progress it was generally known that the Belvoir tract was being acquired for the purpose of this reformatory, and yet no controversy arose over the matter until the condemnation proceedings were practically completed—certainly not until after the negotiations which resulted in the purchase were complete.

After the controversy arose the President submitted it to the Commission of Fine Arts, in the city of Washington, which made this report:

THE COMMISSION OF FINE ARTS,
Washington, January 29, 1911.

MR. PRESIDENT: In accordance with your instructions, the Commission of Fine Arts gave a hearing on January 14 to the District Commissioners, the regents of Mount Vernon, and others on the question of the proposed location of a reformatory on the Belvoir tract, in Virginia, and has the honor to submit to you its opinion on the subject as a question of art.

The commission sympathizes with the sentiments of those who zealously oppose any change in the features of the landscape in the vicinity of Mount Vernon which would disturb the peaceful seclusion of the spot, and it recognizes fully the importance of preserving the sylvan character of the shores of the Potomac. Nevertheless, after hearing the

arguments for and against the establishment of a reformatory on the site selected, the commission finds no objection to this on esthetic grounds.

The facts on which this opinion is based are briefly summarized as follows:

The land to be occupied by the reformatory is on the farther slope of the wooded point known as the Belvoir tract, and, since the location of the buildings is dictated by the conformation of the hillside, no part of any structure will be visible from Mount Vernon. The only disturbance of the shore line, which will otherwise be preserved in its present aspect, will be a simple landing at the point.

And mind you, gentlemen, only a part of this tract, not the whole peninsula, has been acquired. It is only the southern portion of the peninsula, the portion lying south of a hogback, or ridge, which, it was stated to the committee—and that statement has never been denied anywhere—is 200 feet high, and if all the timber in that entire section should be removed, that ridge of itself would forever obscure the view from Mount Vernon and make it impossible for the buildings to be seen.

Indeed, Mr. Chairman, it is a fact that unless advised of the existence of this institution in some way or by information other than they could obtain by a visit to Mount Vernon no visitor would ever know of its existence at all.

On the point of accessibility to Mount Vernon, it is no stretch of the facts to say that Mount Vernon is more accessible from the penal institutions located within the borders of the city of Washington than it is from this point. The distance is greater, but the means of transportation are infinitely better, and the trip can be made more quickly and with less exertion and trouble. The gentleman from Ohio [Mr. TAYLOR] called attention to the fact that it took about an hour and three-quarters to drive the seven and a fraction miles which it will be necessary to travel in order to get there from Mount Vernon, or vice versa, and the road in the nature of things can never be shortened. I drove over these sites with him, and that distance, no matter how roads may be improved, no matter what may be done in the future, is the shortest route you can ever have by land from between Mount Vernon and this point. It is $3\frac{1}{2}$ miles on a direct line, yes; but in order to take that direct line one must either use an aeroplane or swim. The gentleman from Iowa states that the water in that bay or cove was extremely shallow. Looking at the map in my hand, the map presented with the compliments of the Mount Vernon Ladies' Association, I see the water in that cove varies from 2½ feet up at the point farthest inland, to reach which an escaping prisoner would have to go through thick and dense woods, to 5½ feet at the lowest or broadest point. The point marked on the map indicates just about where these buildings will be constructed, and going thence on the most direct air line toward Mount Vernon one would encounter from 4 to 5½ feet of water.

Recurring again to the report of the Commission on Fine Arts, I find:

No merchandise wharf will be built and no coal docks. No power house will be needed, because it is arranged for economic reasons to conduct water and transmit electricity from a plant already established below. The buildings of the reformatory will be of one story, inconspicuous in character, and located more than a mile inland from the landing, $3\frac{1}{2}$ miles in a direct line across the water from the house at Mount Vernon, and over 6 miles distant by the nearest road. The timber will not be cut for commercial purposes, and only such clearings will be made as will be necessary for the farming operations usual in such reformatories.

We give no opinion regarding the sentimental influence of a reformatory located within 3 miles of Mount Vernon, as this was not referred to us in your letter.

Very respectfully, (Signed) F. D. MILLET,
Vice Chairman.

Further, the chairman of the Commission on Fine Arts addressed the following letter to the engineer commissioner of the District. In that letter he refers to the last paragraph in the report.

The letter is as follows:

THE COMMISSION OF FINE ARTS,
1256 Wisconsin Avenue, January 23, 1911.

Maj. W. V. JUDSON, United States Army,
Engineer Commissioner of the District of Columbia,
Washington, D. C.

DEAR SIR: It has come to my notice that the last paragraph of the report of the Commission of Fine Arts on the location of the reformatory below Mount Vernon is interpreted to mean that the commission is opposed to the location for reasons of sentiment, although they find no objections to it on the grounds that the buildings and the farming operations will disfigure the landscape.

In justice to the expressed opinions of my colleagues, I must assure you that this interpretation is incorrect, and that the unanimous decision of the subcommittee, to whom the subject was necessarily referred with power, was that the sentimental objections to the location were no more cogent ones than those urged on esthetic grounds. I may add, without indiscretion, that my colleagues agreed with me that beautiful surroundings would doubtless have a salutary influence on the youths who by the efforts of the reformatory may be made good, orderly, and law-abiding citizens.

I have the honor to remain,
Yours, respectfully, (Signed) F. D. MILLET.

Some inquiry has been made as to why, even conceding for the sake of argument that this site is really unobjectionable, we can not accede to the objections against it, why we can not respect the wishes of people who do object, even though they may object without reason, and place the reformatory somewhere else. I propose now to answer that proposition. In the first place, the site has been acquired, and an appropriation has already been made and is available for proceeding with the work. The commissioners expect to begin work in April.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARDNER of Michigan. Mr. Chairman, I yield two minutes more to the gentleman.

Mr. BOWERS. Mr. Chairman, they are expecting to transport prisoners there and begin this work early in April, and if this limitation is placed upon the appropriation and the use of this site for the purpose of a reformatory thereby absolutely forbidden they will be delayed for more than a year in the consummation of this most excellent plan for the reorganization of the penal institutions of the city of Washington. I want now to show you exactly how far down the river the circle 20 miles in diameter would go. It includes 20 or 25 miles of the winding Potomac below Washington and the mouth of the Occoquan. The limitation, if put into the law, will make it absolutely impossible to operate the two penal institutions together, as can be done under the existing law with great economy and efficiency.

I want to say just a word about this matter of escapes, though I do not know that I can add anything to the force of what was said by the gentleman from Ohio [Mr. TAYLOR] on that proposition. When a man escapes from any institution of this character, the object of his escape is to get away. He does not desire to be recaptured. It seems to me that it is utterly unreasonable to assume that anyone escaping either from Belvoir or Occoquan or any other penal institution will come to a spot where there are necessarily guards and protection for the purpose of being recaptured.

Mr. JONES. Will the gentleman answer me a question?

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. BOWERS. If the gentleman from Virginia will grant me the time, I will answer it.

Mr. CARLIN. Yes.

Mr. BOWERS. The gentleman from Virginia has yielded me time to answer the question.

The CHAIRMAN. How much time?

Mr. CARLIN. One minute.

Mr. JONES. The gentleman read from a paper in which it was stated that the proximity of Mount Vernon, Gunston Hall, Marshall Hall, and those other classical places might have an elevating effect upon these young criminals. If that be the object of locating this reformatory—

Mr. BOWERS. That is not the object.

Mr. JONES. Would it not be well to locate it a little nearer Washington, so that they can have the beneficial and elevating influence of Congress?

Mr. BOWERS. One is now located in Washington, and I call the attention of the gentleman from Virginia to the fact that he very well knows that that is not the object or the reason for which they were located.

Mr. JONES. The gentleman read that as one reason.

Mr. BOWERS. Oh, that is worthy of consideration.

Mr. BORLAND. Mr. Chairman, I submit an address by J. M. Lowe, delivered at the National Good Roads Convention in Oklahoma City, October 5, 1910:

A NATIONAL HIGHWAY FROM OCEAN TO OCEAN.

The amount of energy employed on the subject of good roads is out of proportion to the results obtained. This may be accounted for, to some extent, at least, because we have constantly presented the question, a difficult one from any standpoint, from the wrong side. Now, this is a national convention, and I propose discussing this question from a national point of view. In doing so, I propose, as an object lesson and for illustration, to tax your patience with historical reference to a great national highway which ought never to have been permitted to fall into decay, and which should now be revived and made the nucleus for a system of national, State, and county cooperation in the building and maintenance of good roads. There is no reason, as I hope to be able to show you, why some portion of the national revenues should not be appropriated to the construction of the common highways of the country as they were for more than a quarter of a century, in the early history of this country. In the use to which I propose to apply the Cumberland Road, in this discussion, there is the additional advantage of concentrating our efforts to some definite and conspicuous line of action, not that this road is entitled to greater consideration than others, but chiefly because it stands out in history as the one great national highway upon which the Nation's thought was centered for a quarter of a century, and with which many of the most illustrious names of America's greatest statesmen are forever associated.

The Cumberland—or National—Road is as full of historic interest as the old wilderness road. It was inaugurated by the great constructive statesman, Albert Gallatin, during the administration of Thomas

Jefferson, in 1806, at a time when we were just entering upon our novel dual system of government. The powers and authority between the National and State Governments were ill defined, and have led to much controversy.

When the Cumberland Road was suggested as a national highway, leading from Cumberland, Md., to St. Louis, to be constructed by the General Government, Jefferson doubted the authority of the Government to enter upon such a system of internal improvement, and said it could only be done with the consent, at least, of the States. Thereupon Virginia, Maryland, and Pennsylvania enacted laws authorizing the General Government to construct such highway through their States, to be taken up (as originally planned) at Cincinnati, which was then on the edge of the Indian country, and carried on from that point to St. Louis. As built, it was located considerably north of this line and through Zanesville, Columbus, Indianapolis, etc. Congress passed the necessary act, commissioners were appointed to survey and locate the road, and Mr. Jefferson approved it. At that time McAdam had not impressed his name upon road building, and the road was constructed in places of dirt, plank, split poles (corduroy), etc., and in a little while became absolutely impassable throughout much of its length. Its improvement afterwards became so necessary that it was a campaign issue in 1824—the "paramount" issue of that campaign. Mr. Adams, Henry Clay (to whom a monument was erected on the line of the road), and John C. Calhoun advocated the rebuilding of the road, one of the few questions on which they ever agreed. Jackson and Crawford adopted it half-heartedly; so strong was public sentiment in its favor that they hesitated to oppose it, and when Congress convened the act passed the House of Representatives by a large majority and almost unanimously in the Senate, there being but seven votes recorded against it. Monroe, who was then President, vetoed the bill. This disastrous veto left the road in a hopelessly ruinous condition. Monroe's veto message, regarded at the time as a great state paper, particularly by Benton, was afterwards reversed by himself.

In 1836 the road was abandoned and turned back to the States. Afterwards what was known as the Marysville (Ky.) Road was established by act of Congress, and Jackson vetoed the measure, as he also did of the canal around the Ohio Falls at Louisville. This put a final quietus upon the question of internal improvements, especially as to roads, but as to canals, waterways, etc., as well. At the time this question was being agitated the State governments were almost supreme and the General Government was not so much thought of. Since then the General Government has become supreme and the State governments not so much in evidence; and we have found a way to give millions upon millions to aid railroads, etc., but not one dollar as yet to aid public highways, a bagatelle of which would have gridironed the country with macadam roads. In Missouri each alternate section in a strip 30 miles wide across the State was given the Hannibal & St. Joseph Railroad alone.

Why not the General Government take up, with the consent, if necessary, of the States through which the line runs, in obtaining the right of way, the old Cumberland—or national—Road, much of which is now macadamized, widen and improve it wherever necessary from Washington to St. Louis; and thence via the Boonslick Road to New Franklin, in Howard County, Mo., and there connect with the old and equally historic Santa Fe trail, and follow that line to its terminus in New Mexico; or the Oregon trail, and thence to the Pacific? The probable expense of such an undertaking would be, perhaps, not to exceed \$10,000,000. A slight scaling down of a few items in each annual recurring congressional appropriation would construct a great trunk-line macadam road from ocean to ocean. Other trunk lines might follow, either east and west or north and south; but it might be well, for a while at least, to limit such national improvements as this to trunk-line roads. Instead of diminishing State, county, and individual effort at road building, this, it would seem to me, would lend an added impetus to a vast system of internal development, the idea being to classify the roads into national, State, and county roads. Next to the improvement of the navigable waters of the country ought to be a well-defined system of road building, both State and national. Individual effort can be concentrated and lateral roads built by county and State cooperation, connecting with the trunk lines.

The national Republican convention of 1908 recommended that roads be built and maintained by the General Government. The national Democratic platform of 1908 had a similar plank—so that we seem to have gotten away from the old idea that the General Government had no power, under the Constitution, to build roads, canals, or other waterways, and have reached a conclusion that, after all, the General Government, out of the general revenue derived by the Government, is particularly qualified for this great work. The States have appropriated moneys to build monuments and markers along the route of the old Santa Fe and Oregon trails. Why not build the best monument possible to erect to the pioneers by macadamizing and rendering these historic roads of permanent value to the people? Ezra Meeker's ox team has been relegated by steam, electricity, and gasoline, but the road is the same he traveled 50 years ago.

The farmers ought not to be required to build all the roads of the country. This idea is being abandoned in all civilized countries. The master of the national grange says: "Statistics of the exports from the United States for the 10 years ending with 1906 show that nearly 60 per cent of the exports during that period were products of the farm. Yet, for the benefit of the industry producing these enormous values, there was expended during the same period less than 1 per cent of the total Federal expenditures." Since Congress has invaded what used to be considered the exclusive right of the State, to levy taxes upon corporations, incomes, inheritances, etc., there is added force in appropriating a part of the revenues thus derived to the building and maintenance of good roads.

William C. Cornwell says: "The six main agricultural products—cotton, corn, and hay, wheat, oats, and tobacco—whose value as farm products was in 1909 \$4,388,196,198, furnished a total export value (including their manufactured products and those of cattle and hogs) of \$926,397,890, or over 56 per cent of the total exports of \$1,638,355,593. They paid, through their products, internal-revenue taxes of \$161,252,250, or about 65 per cent of the entire internal-revenue collections, and in the manufacture of their directly related products gave employment in 1905 to 1,144,705 persons, receiving wages of \$467,395,645, and covered a capital investment of \$2,561,090,051. If a Government wagon train of the old pioneer type should start from the California coast heavily guarded and loaded with nine thousand millions in gold, to be distributed on the way in the slow passage to the Atlantic coast, the event would create a storm of excitement throughout the country and over the world. That, in ultimate effect and in a quiet way, is really what is being done by the harvest this year. This distribution is now going on. The first to receive his reward has been the farm laborer,

but there is no premium with him. To the successful farmer, whose crop has dodged too much rain and too much heat throughout this spotted season, the dollars are piled up and paid over. As the movement progresses transportation of all kinds gets its share. Then the factory and its laborers, the countingroom, the bank. The golden stream flows in all directions, and for a year or more will impart new cheer practically to all interests."

The large bulk of this stream of gold is hauled over mud roads. The Government has taken no steps to facilitate its transportation.

Cesar and Napoleon were great builders of roads, but it seems never to have occurred to them to levy all the burden of their construction upon a single class—upon the farmers of the country.

In mentioning the historical names associated with this subject, among such progressive statesmen as Jefferson, Madison, Adams, and Calhoun, mention should be made of the great Secretary of the Treasury in Jefferson's Cabinet, Albert Gallatin, whose great foresight planned the Cumberland Road as early as 1796, and who planned a road from Maine to Georgia. In 1784, at Patrick Henry's suggestion, he was looking at a large tract of land on the line of the road as subsequently established, when he came upon a log cabin in the forest and found Washington, who was there on a similar errand. He was sitting at a rude table, pen in hand, taking down, in his slow, methodical way, the answers of the hunters and squatters as to the best route across the Alleghenies for a road. They had never met before, and Gallatin, growing impatient with Washington's deliberation, finally blurted out, "There is the only practicable route," pointing out the way. Thereupon Washington laid down his pen, removed his glasses, and, giving Gallatin a stern look of disapprobation, replaced his glasses, took up his pen, and proceeded with his investigation. Finally, when satisfied, he again removed his glasses, laid down his pen, and said, "Sir, you are right;" and this location was subsequently adopted by the surveyors and commissioners who located the road. After Gallatin had left the room, Washington, on learning who he was, sent for him and offered to make him his land agent, which he declined. The people who are fond of real estate investments have illustrious examples. Mount Vernon consisted of more than 8,000 acres. Clay, in a speech at a Wheeling banquet, tendered him on account of his lifelong support of this road, thus describes the piece of road the location of which was suggested by Gallatin: Before it was built, he said, he and his family had expended a whole day of toilsome and fatiguing travel to pass the distance of about 9 miles, from Uniontown to Freeman's, on the summit of Laurel Hill; adding that 80 miles over that and other mountains were now made in the public stage in one day. He said further: "We have had to beg, entreat, supplicate Congress, session after session, to grant the necessary appropriations to complete and repair the road." He was opposed to turning it back to the States, because, he said, it would be neglected and go to decay and ruin. His biographer says: "The country has not been wholly unmindful of Mr. Clay's preeminent services in behalf of this beneficent measure. On the Cumberland Road stands a monument of stone, surmounted by the genius of liberty and bearing as an inscription the name of Henry Clay."

If any shall stagger at the expense to be incurred if the Government should enter upon such system of internal improvement, it may be well to recall what someone has said that "Government is a device for the collecting and spending of a people's money, and it is the history of them all, past and present, that their expenditures are ever and always on an ascending scale;" that "the genius of government is not, as is too generally believed, the organizing and putting armies into the field, or launching of great battleships, but in the discovery of new sources of revenue to pay for them." What a statesman he must have been who discovered windows and doors as proper sources of taxation, as they do in some European countries?

However all this may be, it must be apparent that no expenditure of a government's revenues can be more wisely and prudently invested than in the internal development and improvement of the country. One *Dreadnought* will build a macadam road from ocean to ocean.

The Cumberland Road as established was 80 feet wide, and to preserve the full width Jefferson recommended grading one-half the width at once, which was done. Appropriations were made by Congress from time to time until 1836. Its most active friends were Albert Gallatin, Thomas Jefferson, John C. Calhoun, John Quincy Adams, and Henry Clay, and its lukewarm friends were James Monroe, Andrew Jackson, and Thomas H. Benton. Benton was a prince in dealing with the Territories. Favored a national highway 200 feet wide from Kansas City to the Pacific, but thought Monroe's veto, based on State's rights, unanswerable.

A feature of this veto is that its arguments and logic are absolutely conclusive against the conclusion arrived at. Nowhere can be found stronger reasons in favor of the road. It was dated May 4, 1822, and aroused such a storm of protest that he hastened on the following 8d of December to reverse himself in his annual message, as follows: "It is understood that the Cumberland Road, which was constructed at a great expense, has already suffered from the want of that regular superintendence and of those repairs which are indispensable to the preservation of such a work. This road is of incalculable advantage in facilitating the intercourse between the Western and the Atlantic States. Through it the whole country from the northern extremity of Lake Erie to the Mississippi, and from all the waters which empty into each, finds an easy and direct communication to the seat of government, and thence to the Atlantic. The facility which it affords to all military and commercial operations, and also to those of the Post Office Department, can not be estimated too highly. This great work is likewise an ornament and an honor to the Nation. Believing that a competent power to adopt and execute a system of internal improvement had not been granted to Congress, but that such a power, confined to great national purposes and with proper limitations, would be productive of eminent advantage to our Union, I have thought it advisable that an amendment of the Constitution to that effect should be recommended to the several States." Then, after stating that he had felt compelled to veto a bill appropriating funds for the repair of the road, he concludes as follows: "Should Congress, however, deem it improper to recommend such an amendment they have, according to my judgment, the right to keep the road in repair by providing for the superintendence of it and appropriating the money necessary for repairs. Surely if they had the right to appropriate money to make the road, they have a right to appropriate it to preserve the road from ruin." The Congress passed the bill, and Monroe approved it; and yet Jackson went back of this annual message and made the veto message of May, 1822, his authority for vetoing a similar appropriation for a different road in 1830, and this led to the final abandonment of the road in 1836.

Adams succeeded Monroe, and had the road surveyed through to Jefferson City in 1827, and had he been reelected in 1828, the road would have been extended to its ultimate goal—the Pacific.

At heart Jackson favored the road, and urged a constitutional amendment, as also did Jefferson and Monroe, but he could not rise above his jealousy and opposition to strike Clay whenever opportunity offered, hence his veto of the Maysville and Lexington Road. But it ought to be said that unlike Monroe's veto, the rugged old "war horse of the hermitage" had some cause for his action in the fact that Clay's Maysville Road was a local road of little national value and of even limited State value.

In his veto message Jackson wrote: "In the administration of Mr. Jefferson we have two examples of the exercise of the right of appropriation, which, in the considerations that led to their adoption and in their effects upon the public mind, have had a greater agency in marking the character of the power (to appropriate public money) than any subsequent events. I allude to the payment of \$15,000,000 for the purchase of Louisiana, and to the original appropriation for the construction of the Cumberland Road, the latter act deriving much weight from the acquiescence and approbation of three of the most powerful of the original members of the Confederacy, expressed through their respective legislatures. Although the circumstances of the latter case may be such as to deprive so much of it as relates to the actual construction of the road of the force of an obligatory exposition of the Constitution, it must nevertheless be admitted that so far as the mere appropriation of money is concerned they represent the principle in its most imposing aspect. No less than 23 different laws have been passed through all the forms of the Constitution, appropriating upward of \$2,500,000 out of the National Treasury in support of that improvement, with the approbation of every President of the United States, including my predecessor, since its commencement."

My, what an indictment! All wrong but Jackson. Another case of 11 contrary jurors. The same strict construction would have prevented the Louisiana Purchase, and that territory would, after the Battle of Waterloo, have fallen into the hands of England, and all the work of the Revolution would have been undone. For not even Jackson could have whipped her under such conditions. And therein again appears the marvelous genius of Jefferson. Had England had his equal, she would to-day be ruler of the North American Continent. He also saw with clearest vision the same danger lurking in the "Northwest Territory," when, as governor of Virginia, he sent Rogers Clarke to take Vincennes and Detroit. And yet I know of no monument in all the "Northwest Territory" erected to the memory of Rogers Clarke or Thomas Jefferson.

Doubtless Jackson was right in holding that the public revenues should be appropriated to public purposes only, but no road is of such local benefit as to be of no general advantage. And this was the point which Congress constantly haggled over. In 1824 Congress appropriated \$30,000 for the survey of such roads as the President should deem of national importance. This, it would seem, ought to have settled the question without having to resort to a constitutional amendment. The same rule was applied in locating the Panama Canal. Congress had no such scruples when it appropriated millions of acres of the public domain to railroads, which, at best, were only quasi public corporations. If it had power to appropriate public property to such uses, then undoubtedly it had power to appropriate public funds to uses which are wholly public and which the Constitution expressly authorizes Congress to establish. If it had no such power, then the title to millions of acres of land did not pass out of the Government, but still constitutes a part of the public domain.

But it may be said this would be to open wide the "pork barrel"—every congressional district would want a road. It may be replied that, as it is now most congressional districts have a creek or bayou which needs dredging, riprapping, or "snagging," and if road building was added, it would give the average Congressman something to do, and he could always report to his constituents how earnestly he had tried and what he could do next time. Sufficient revenues have been squandered on unnavigable streams to gridiron the United States with macadam roads. It hasn't been long since a Government boat, dredging one of these streams, turned up the river over which it had just traveled and stuck on a sand bar. This bar had formed in the rear of the boat, where the dredging had just been done. It is not unusual for some of these "navigable streams" to fill up overnight all that was dredged out the day previous.

The total appropriations for the Cumberland Road from 1806 to 1836 were \$6,832,945.05. Expenditures for the period, \$6,759,257.30; returned to the Treasury, \$73,687.75. This for what Clay pronounced the "finest carriage road in America, over which the mail coaches travel 80 miles in a day." In 30 years less than \$7,000,000 appropriated for this great work. With this let us compare the appropriations for rivers and harbors for the last 20 years, which, according to statement from the Treasury Department, is here given:

"The appropriation made for rivers and harbors during the sessions of Congress from 1891 to 1911 were as follows:

1891	\$25,136,295.00
1892	2,951,200.00
1893	22,968,218.00
1894	14,166,158.00
1895	20,043,180.00
1896	11,452,115.00
1897	15,944,147.00
1898	19,266,412.91
1899	14,492,459.56
1900	25,100,038.94
1901	16,175,605.75
1902	7,046,628.00
1903	32,540,198.50
1904	20,228,150.99
1905	10,872,200.00
1906	26,561,281.75
1907	17,254,050.04
1908	43,310,813.00
1909	18,092,945.00
1910	29,190,264.00
1911	49,881,141.50

"A total for 20 years of \$441,273,493.94."

One hundred and fifty millions to rivers and harbors during the last four years. Enough to build 10 great trunk line macadam roads, five from the Atlantic to the Pacific and five from the Lakes to the Gulf. This expenditure (for roads) would develop and enrich the country, furnish employment to thousands, and add millions in value to wealth and the general revenues. Instead of everybody "touring" Europe, Europe would be "touring" America.

"The balance of trade," so largely affected by American travel abroad, would be speedily turned in our favor. People living east of the Alle-

ghenies would learn that there is a people and a country on the west side thereof; that there is a Pacific, a Yosemite, a Yellowstone Park worth seeing.

President James K. Polk, in a pocket veto, in 1847 said: "The policy of embarking the Federal Government in a general system of internal improvements had its origin but little more than 20 years ago. In a very few years the applications to Congress for appropriations in furtherance of such objects exceeded \$200,000,000." In the last 20 years we have appropriated to rivers and harbors more than \$441,000,000. "In this alarming crisis," says Polk, "President Jackson refused to approve and sign the Maysville road bill, the Wabash River bill, and other bills of a similar character," etc. And then he says, "Although the bill under consideration proposes no appropriation for a road or a canal, it is not easy to perceive the difference in principle or mischievous tendency between appropriations for making roads and digging canals and appropriations to deepen rivers and improve harbors," etc. He was undoubtedly right; there is no difference.

Mr. Lincoln, then a Member of Congress, so fully answered all the objections raised in this veto message, and all that can be reasonably urged against the policy of internal improvements generally, that the Congress shortly thereafter reversed the policy hitherto pursued and has been exceedingly liberal as to rivers and harbors, but very neglectful as to roads and highways, notwithstanding their immense importance in any scheme of transportation and general development. He began by quoting the anti-internal improvement plank in the Baltimore platform of 1848, upon which Gen. Cass was defeated by "Rough and Ready" Taylor upon a well-defined issue of internal improvements, and then goes on to enumerate the President's objections as follows:

"Those general positions are, that internal improvements ought not to be made by the General Government: First, because they would overwhelm the Treasury; second, because while their burdens would be general, their benefits would be local and partial, involving obnoxious inequality; and third, because they would be unconstitutional. Fourth, because the States may do enough by the levy and collection of tonnage duties; or, if not, fifth, that the Constitution may be amended."

"Do nothing at all, lest you do something wrong," is the sum of these positions—is the sum of this message. And this, with the exception of what is said about constitutionality, applying as forcibly to what is said about making improvements by State authority as by the national authority; so that we must abandon the improvements of the country altogether, by any and every authority, or we must resist and repudiate the doctrines of this message. Let us attempt the latter.

The first position is that a system of internal improvements would "overwhelm the Treasury." That in such a system there is a tendency to undue expansion, is not to be denied. Such tendency is found in the nature of the subject. A Member of Congress will prefer voting for a bill which contains an appropriation for his district to voting for one which does not; and when a bill shall be expanded till every district shall be provided for, that it will be too greatly expanded is obvious. But is this any more true in Congress than in a State legislature? If a Member of Congress must have an appropriation for his district, so a member of a legislature must have one for his county. And if one will overwhelm the National Treasury, so the other will overwhelm the State treasury. Go where we will, the difficulty is the same. Allow it to drive us from the halls of Congress, and it will, just as easily, drive us from the State legislatures. Let us then grapple with it and test its strength. Let us, judging of the future by the past, ascertain whether there may not be, in the discretion of Congress, a sufficient power to limit and restrain this expansive tendency within reasonable and proper bounds." And then he quotes the \$200,000,000 which Polk says had been asked for during our past history, shows it had not been appropriated, and less than two millions appropriated during the four years of Mr. Adams' administration to roads, rivers, and harbors. Nothing very "alarming" about that.

Then he meets the objection that the burdens would be general while the benefits would be largely local, by showing that this is always true, and cites naval appropriations to illustrate it by showing that no pirate ship is ever driven from the sea but that some individual merchant is especially benefited. And then he goes on to show that no improvement is so local as not to be of some general benefit; that there are few things wholly evil or wholly good. As to its being perfectly constitutional, he conclusively quotes both Chancellor Kent and Judge Story. He turns the President's attempt to quote Jefferson as against such appropriations, against the President's position, because Jefferson was practically the author of these measures, and says this effort of the President's was like "McFingal's gun—bears wide and kicks the owner over." Then he sums up as follows:

"That the subject is a difficult one can not be denied. Still it is no more difficult in Congress than in the State legislatures, in the counties, or in the smallest municipal districts which anywhere exist. All can recur to instances of this difficulty in the case of county roads, bridges, and the like. One man is offended because a road passes over his land, and another is offended because it does not pass over his; one is dissatisfied because the bridge for which he is taxed crosses the river on a different road from that which leads from his house to town; another can not bear that the county should be got in debt for those same roads and bridges; while not a few struggle hard to have roads located over their lands, and then stoutly refuse to let them be opened until they are first paid the damages. Even between the different wards and streets of towns and cities we find this same wrangling and difficulty. Now, these are no other than the very difficulties against which, and out of which, the President constructs his objections of 'inequality,' 'speculation,' and 'crushing the Treasury.' There is but a single alternative about them; they are sufficient or they are not. If sufficient, they are sufficient out of Congress as well as in it, and there is the end. We must reject them as insufficient or lie down and do nothing by any authority. Then, difficulty though there be, let us meet and encounter it. 'Attempt the end and never stand to doubt; nothing so hard but search will find it out.' Determine that the thing can and shall be done and then we shall find the way."

Now, we have determined, at last, "that the thing can and shall be done." The national Republican convention of 1908 resolved that "We recognize the social and economic advantages of good country roads maintained more and more largely at the public expense and less and less at the expense of the abutting property owner."

The Democratic national convention of 1908 resolved that "We favor Federal aid to State local authorities in the construction and maintenance of post roads." Both parties having decided "that the thing can and shall be done," it only remains to search and "find the way." This is easy. Begin where we left off when the "boggy man" of doubtful authority made his appearance, take up the old Cumberland Road, carry it forward and intersect the Santa Fe trail and the Oregon trail, and stretch one great national highway across the conti-

nent. When this is done, "the way" discovered will seem so simple and so easy that we will only marvel at our sloth and go forward in the only rational, feasible, equitable way of road building.

I have used the old, historic Cumberland Road for its historic value, but chiefly as illustrating the practical solution of the road question. Instead of lessening effort by the State and local authority it ought to be and will be an incentive to greater effort on the part of everyone. Let us no longer quibble over hair-splitting theories of governmental power. Either the General Government has authority to appropriate national revenues to road building, or it has not. If it has not, then there is an end to the proposed national conservation of natural resources; great irrigation projects must cease; the rivers and harbors must be permitted to disintegrate; the Panama Canal must be abandoned; the title to millions of acres of the public domain given to the railroads is invalidated; every post office and customhouse must be sold and the proceeds returned to the Treasury, from which it has been illegally taken. There is as much authority, yes, more, for appropriating the public revenues to building roads than for any of these purposes, for the Constitution expressly empowers Congress to "establish post offices and post roads." If "establish" means to "build" post offices, then it means to build roads as well.

Chancellor Kent and Joseph Story say the authority exists in the General Government. The difficulties and objections are enumerated and answered by Abraham Lincoln. No work upon which the Government can enter—no use to which the revenues can be applied—will be of such vast and permanent value to all the people.

If the piratical mode of appropriating the public revenues is to continue, then let it be done in a way to be of general benefit to the whole country. Senator ALDRICH says \$300,000,000 of the revenues are wasted annually. Let's stop this waste by applying the revenues to the roads.

Let's stop dissipating the revenues to purposes of doubtful utility, thus creating deficits for which new schemes of taxation must be devised after each congressional appropriation bill is passed.

Others have contributed of their experience and wisdom to this great and growing subject of the roads of the country, of their economic value and how their construction is to be consummated, all of which is of great value. I have now made mine, which may be of no value, but such as it is I leave it to your thoughtful, earnest, and serious consideration, believing as I do that this is, if not the only solution, at least the fair, reasonable, and equitable solution of this great question. It involves no question of State rights. It does not impair or conflict with the right and the duty of the State and of local authorities to appropriate their revenues also to this great purpose. There is work enough for all. I do not believe the State or the country should appeal to the Government to do work which can be better done by local authority. What I do insist upon is, that if the policy of internal improvements, which has become the settled policy of the Government, is to continue, then the highways of the country shall share in that system as constituting a vital part thereof, and as such entitled to a square deal. As public highways they constitute a vital place in transportation, and, belonging to the public, they should be constructed and maintained by the public.

Mr. CARLIN. Mr. Chairman, I yield five minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Chairman, I yield to no man in this House for practical common-sense economy. I realize that selecting this institution and locating it there is ideal from the standpoint for which the institution is to be used. I have no criticism upon the commissioners, I have none upon the committee, so far as the dollar and cents practical consideration is concerned, but I want to say to this House that whenever the people of the United States care more for a few paltry dollars than they do for sentiment that the time has come when our whole people will need reforming. We will need as the Congress to be reformed whenever we cease to properly revere that sentiment which makes this country what it is. I do not care how useful the proposed institution may be or how practical it is.

I do not care what it costs, how much or how little, when those good women who made Mount Vernon what it is and who propose to stand by it for all time, are opposed to locating this penal institution there, or this reformatory institution there, or even if it were a Sunday-school assembly and they were opposed to it, why should we fly in the face of their feelings, their wishes, their purposes, and desires when it is not necessary? We can have this reformatory under the law anywhere in either Virginia or Maryland. Now, why insist upon placing it at this point to which there is objection practically by all the people of Virginia and by all the ladies of this association? If it had not been for an invalid lady, who was an invalid all her life, and the work she did, perhaps Mount Vernon to-day would not be Mount Vernon in effect, in fact, or in sentiment.

Mr. TAWNEY. The gentleman is aware, I suppose, that the workhouse, which was authorized at the same time as the reformatory was authorized, is to-day in operation and is located only 3½ or 4 miles from Mount Vernon, and concerning that these ladies did not make any objection.

Mr. SIMS. Well, why should we repeat the dose by locating another institution to which they do object?

Mr. TAWNEY. Was not the gentleman a Member of the House when both locations were—

Mr. SIMS. There has been so much wrong done since I have been here I do not want to shoulder it all, but I remember—

Mr. TAWNEY. The gentleman was a member of the District Committee and remembers that location some three years ago.

Mr. SULZER. And the gentleman knows the District Committee has never considered this matter for a moment.

Mr. TAWNEY. I did not say the committee had considered it, but I said the gentleman knew.

Mr. SIMS. I did not know anything about it. But I do know it now, and it is not what we have done, but it is what we are doing now, and I want to appeal to every man that has a particle of patriotic blood in his veins, North or South, East or West, to vote for this amendment.

Suppose we have spent \$30,000. Keep the land. Keep it in order that some other objectionable institution may never be put there by the State of Virginia, by Alexandria, or by any other power.

Mr. MADDEN. Will the gentleman yield to a question?

Mr. SIMS. Certainly.

Mr. MADDEN. Did it ever occur to the gentleman from Tennessee that the objection to the location of the site at this point might have been raised by some man who might have a site to sell and failed to sell it?

Mr. SIMS. Some man or some people may be opposed to this reformatory being located there, as an aid possibly to their selling some other piece of land, but if the other piece of land is located where it would be objectionable to the Mount Vernon Association, I am against that job. There is no reason for erecting this institution there because you think somebody objects to such location for other than proper motives. I ask the membership of this House to vote for this amendment upon motives that ought not to be measured by dollars, and dollars ought not to be mentioned in the same breath with it.

Mr. PRINCE. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Illinois?

Mr. SIMS. Certainly.

Mr. PRINCE. Do you not think it would be a wise move on the part of the Government to take over this Mount Vernon Association and permit the people of the United States and of foreign countries to visit, without cost and expense, that great place where the first President is now buried?

Mr. SIMS. That might be well, Mr. Chairman, but this association of ladies has made it what it is, and I never propose to vote to do anything with it that they do not approve.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CARLIN. Mr. Chairman, I yield one minute more to the gentleman.

Mr. SIMS. I want to say if that was the tomb of Lincoln or of Grant I would feel about it as I do now. But here is the tomb of the one man, that the older the country gets, and the older the institutions of the country grow, the more we know that he was one of the greatest men that the world ever produced. Let us not locate any institution that would suggest when you think of Washington other than that he was the greatest man this country ever produced, and perhaps ever will. Remember the sentiments and ideals that he taught. Let us have ideals, let us have sentiment, and let us stand by them, and let the land sharks and landowners and the land syndicates go without consideration. Keep this piece of land. Pay your little \$30,000 for it. We spend that amount here often in one minute. We have had several inaugural balls here in the Pension Office in the District of Columbia at a cost to the Government exceeding the cost of this entire piece of land and endangering the loss of records that might involve millions of dollars, in order that some people might dance one night. Now, do not let us have any dance halls or any penal reformatories located anywhere near Mount Vernon if the good women who are interested in taking care of Mount Vernon and the tomb of Washington oppose it.

Mr. TAYLOR of Ohio. Will the gentleman yield to a question?

Mr. SIMS. Certainly.

Mr. TAYLOR of Ohio. Would the gentleman object if a business or manufacturing plant was placed near Mount Vernon?

Mr. SIMS. If those good women objected to it I would.

Mr. TAYLOR of Ohio. I was going to call the gentleman's attention to the fact that right at the gate of Mount Vernon is a great gash in the hillside where they are taking out clay, and right next to it there is a brick plant where they are making brick—a most unsightly piece of work.

Mr. SIMS. If there are some things now there that are objectionable, why add more? Why use this as a precedent and put other objectionable things in that locality? [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARDNER of Michigan. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. KELIHER] five minutes.

Mr. KELIHER. Mr. Chairman, seldom in great cities can the authorities of those cities locate a police station without protest, or seldom can they locate a fire house without protest,

from the neighborhood in which it is proposed to locate them. The sentiment against the location of these institutions is invariably an honest sentiment, because obviously they depreciate property and render the adjacent neighborhood less desirable for residential purposes. But the protection of society demands police stations, unfortunately, and also demands fire stations, and authorities vested with the power of locating these necessary institutions must perform their duty despite these protests, their duty being to consider the greatest good of the greatest number. That is our duty to-day, and, with due respect for the sentimental element that has entered into its consideration, I trust the committee will meet and act upon this proposition with sole regard for the best interests of the District.

Now, the protests, as I understand them, against the location of this site are twofold. First, that it will be unsightly from the historical Mount Vernon estate. The fact is, that anyone who would look upon that site from Mount Vernon and the persons who would look upon its unhappy inmates would have to look from an observatory built for that purpose or rise in an aeroplane and look down. Secondly, we are told visitors to the shrine of Washington may, fersooth, come into contact with the unfortunates committed to that institution. If they would they would seek the unfortunates, for the unfortunates would not seek them, for escaping prisoners do not seek public places; they fly from them. Anybody goes to Mount Vernon seeking the enjoyment and information this historical spot affords; they need never know of the existence of this reformatory, for they could not see it even with the aid of a field glass. Much of the sentiment against this location I believe to be misguided; a tremendous amount of it I believe to be artificial.

Speaking of Bunker Hill, the historical shaft that rises from that hallowed ground lies within my district, and I would inform gentlemen that its shadow falls on a prison, on the Massachusetts State prison, where are incarcerated hardened criminals, and where we electrocute our condemned murderers. That prison is located in the same section of our city where that noble shaft rears its majestic form toward heaven. Now, I believe that the best judgment of this House should assert itself; that we should leave the settlement of this peculiar question to the men who have given careful thought and study to it. Our District Commissioners are just as sentimental, just as respectful of the traditions, and possess as deep reverence for the history of this country as any Member of this House. Society's demands make necessary a reformatory, and when, after careful consideration, these high-minded officials, having weighed every consideration and decided that this spot is the one to locate upon, sensible, sense-guided, and sober-minded men will not be switched from their judgment by any of the statements made here, many of them misguided and, I believe, artificial, but will accept the conclusions of those competent to advise. [Loud applause.]

I yield back the remainder of my time.

The CHAIRMAN. That is one minute.

Mr. GARDNER of Michigan. How much time remains to this side of the House?

The CHAIRMAN. The gentleman from Michigan has 24 minutes remaining, and the gentleman from Virginia has 31½ minutes.

Mr. CARLIN. I yield five minutes to the gentleman from Illinois.

Mr. GRAHAM of Illinois. Mr. Chairman, the gentleman from Massachusetts tells the House that this is mere sentiment, and the gentleman from Ohio tells us the same thing. Conceding that it is mere sentiment, it should not be rejected on that ground, and that ground alone. Is not sentiment a good thing? Why do Americans from every part of the country, and why do liberty-loving men from every part of the world, go on pilgrimages to Mount Vernon? Is it not because of the sentiment in connection with it? The gentleman from Iowa [Mr. SMITH] asked me some questions a while ago which he may use later on in this debate, with reference to the home of Abraham Lincoln in my town. I live where I could throw a stone into the yard of the old home of that great man, the only American, to my mind, whom the sentiment and judgment of the world has placed side by side with George Washington. I was asked how far it was from the county jail there to the home of Lincoln, and I answered that it is about 2,000 feet. But there is no argument to be drawn from that fact, as the intervening space is solidly built up with business and residential properties. Besides that, we were not free to choose the site for the home of Lincoln. He chose it; and the county jail stood where it now stands when he made that choice. I was asked how far it is

from the county jail to his tomb—to the spot where his ashes lie—and answered about a mile and a half; and nearly all the intervening space is built on. I would say now that one square in a city with houses built up between the two objective points is a greater distance, in a scenic sense, than that from Mount Vernon to the site of this proposed prison, because in this instance there is no intervening object to attract attention. Passengers by boat going down the river see Mount Vernon, and the very next object on the same side of the river to arrest their attention will be this reformatory, if it be visible from the river.

Mr. Chairman, the very idea of locating a criminal and penal institution so near the home and tomb of George Washington strikes me as a shocking proposition. Gentleman say it is mere sentiment. But is it a healthy sentiment? Are we to ignore sentiment altogether? Most assuredly sentiment is often a very important factor in our affairs. It seems to me that sentiment is the basis, the foundation, of ideals, and it is ideals that make a nation. Ideals also make men. Where there are not high ideals there are not great men or great nations. [Applause.] In this case the shocking proposition is made to locate a penal institution on a site near Mount Vernon, George Washington's home—a place sacred to men everywhere in the world who love liberty. That proposition, it seems to me, is an outrage on American sentiment and the sentiment of the best men in the world everywhere. [Applause.] I say that I could never lend myself to vote for such a proposition as that, and I hope that this House will have sufficient regard for sentiment and for the ideals that rest upon it to see to it that the amendment of the gentleman from Virginia [Mr. CARLIN] prevails. I will never outrage that sentiment by voting to locate a penal institution in proximity to one of the most sacred spots in all the world. My regret is that I can vote for the amendment only once. [Applause.]

Mr. GARDNER of Michigan. The gentleman from Virginia has more time now than this side.

Mr. CARLIN. I think not. On our side we have had half a dozen speeches, and on your side only one or two. How many more speakers have you on your side?

Mr. GARDNER of Michigan. I only know of two, and the gentleman from Virginia has 26 minutes, while I have but 24.

Mr. CARLIN. I yield three minutes to the gentleman from West Virginia [Mr. GAINES].

Mr. GAINES. Mr. Chairman, ordinarily upon propositions of this sort I have followed the committees of this House. In this matter I shall not, because I am firmly convinced that the disposition to take these reformatory and penal institutions toward Mount Vernon is a great mistake on the part of the District Commissioners. [Applause.]

We have been told that the argument is wholly sentimental. Why, Mr. Chairman, gentlemen on both sides of this question announce that they all share the sentiment. It certainly is no objection to a proposition that it is a sentimental one, provided the sentiment be well grounded. There are many directions in which the commissioners might go with equal convenience for the selection of this site. It seems to me it will be an unwise thing if Congress does not now put its foot down and notify, once for all, the District officials that they may not go any further in the policy of locating such institutions near Mount Vernon.

The home of Washington is one of the few historical spots that we have in this country which, it would seem from present indications, may remain undisturbed forever. It is a country home. It would lose its character if the neighborhood were built up. But it seems that in spite of the development of the country we still have one place so located that the march of population and of business is not likely to encroach upon it. Yet under these circumstances the District officials seem determined to place the local penal institutions down there, and not only place in the neighborhood of Mount Vernon institutions that are unsightly, disagreeable, and may even be dangerous for some of the people who go there, but which tend to change the entire character of that historic section.

Mr. Chairman, I went to Mount Vernon before the ladies who now have it in charge took hold of it. They have done a great work there, and not only because they have accomplished so much with reference to Mount Vernon would I listen to them in a matter of this sort, but I would do so because I regard them as the best judges of the proper method of manifesting a sentimental regard of this character. I think that the District Commissioners would have done well, in the first instance, to have heeded the protests made on behalf of this association, and since they have not done it, I hope this House will do it for them. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GUERNSEY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed, without amendment, bill of the following title:

H. R. 21220. An act transferring Maries County to the eastern division of the eastern judicial district of Missouri.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 28406) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1912, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLAPP, Mr. McCUMBER, and Mr. STONE as the conferees on the part of the Senate.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The committee resumed its session.

Mr. GARDNER of Michigan. I yield five minutes to the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. Mr. Chairman, the real question involved in the amendment offered by the gentleman from Virginia [Mr. CARLIN] is whether or not the House will repudiate its own action, taken first three years ago and affirmed and reaffirmed at every session of Congress since that time, when it authorized the creation of a commission for the purpose of selecting two sites, one to be known as the workhouse for the District of Columbia and the other as a reformatory.

The fact that when this commission was created it was known to the sentimentalists of this House at that time; the fact that the commission selected this site for a reformatory and the site for the other institutions located near by as a workhouse was reported to Congress, and Congress has in several sessions ratified that selection and appropriated the money for the construction of the workhouse, now approaching completion, and will soon be in full operation, and against which there was no protest made either by the Daughters of the American Revolution or by the sentimentalists of this House, it looks now as though this agitation is either an afterthought or has behind it some influence entirely outside of real patriotic sentiment. The location of the reformatory in a direct line is closer to Mount Vernon than is the workhouse; but as between the two institutions, the reformatory is decidedly less objectionable, from the standpoint of the character of its inmates, than the workhouse would be. We have acquired the site at an expense of about \$30,000, and now, after all the publicity that has been given to the location of both of these institutions and the ratification of the site, and after three years of consideration in this House, it is proposed, purely as a matter of sentiment, based upon an erroneous supposition as to the existing facts, to entirely reverse our action, the result of which will be to make both of these institutions an economical failure. Because in the location of these two institutions that were located so that they could be economically administered and maintained, these sites were selected so as to reduce to a minimum the administration cost and the cost of furnishing supplies. The wide separation of these institutions, without any reference whatever to the location of the other, would result in an economical failure in the administration of both institutions.

The gentleman from Illinois says that visitors to the National Capital and to Mount Vernon going down the Potomac River will have pointed out to them the magnificent historical spots along the river, and then will have pointed out to them the reformatory of the District of Columbia, and that would be an objection. The gentleman from Illinois evidently is not familiar with the topography of the country in which this institution is located. As a matter of fact, you can not see the institution going down the river because of the forest on the land between the institution and the river.

Another fact we ought to take into consideration before we destroy the economical administration of these two institutions is that this institution is not in sight and can not be seen by anyone at Mount Vernon and Mount Vernon could not be seen by anyone at the reformatory because of the topography of the country. As the gentleman from Massachusetts well said, in order to see either you would have to take an aeroplane or build a watchtower. I trust that this amendment will not be agreed to, and that the work connected with this institution will go on hereafter as it has gone on for three years without objection on the part of anyone. [Applause.]

Mr. CARLIN. Mr. Chairman, I now yield one minute to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT. Mr. Chairman, I have not heard all of the discussion that has been had over this question, but I think I have heard sufficient to understand the facts involved and the sentiment involved. It is true that the objection to this may be based largely on sentiment. I do not agree with my friend from Massachusetts, however, that it is an artificial or false sentiment. On the contrary, I think it is a very wholesome and very healthy sentiment, one entirely worthy of the Members of this House, and expressive of the feelings of the constituency represented here. For the ladies who have done so much in maintaining this great American Mecca, and for their opinion, I confess I have the very highest regard, and the fact that they protest, if for no other reason, would be entirely sufficient to lead me to support the amendment proposed by the gentleman from Virginia. [Applause.]

Mr. CARLIN. Mr. Chairman, I now yield three minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. Mr. Chairman, I am one of the men on this floor whom the gentleman from Minnesota a moment ago felt it his duty to refer to sneeringly as "sentimentalists." The gentleman himself is an intensely practical man; and, of course, the arguments which he and other opponents of the amendment advance are all made from a purely practical standpoint.

Let us see. One of these gentlemen said that there is now a brickyard near Mount Vernon, and that about it we do not complain. Are we to understand that because a brickyard is located near Mount Vernon that Congress would be justified in locating a reformatory near the historic spot? Is there any force in the reference to that brickyard? A brickyard is a respectable place, and those who work in it are honest men, doing an honest day's work for an honest day's wage. George Washington would not have objected to a brickyard located as is the one in question. All his life he was a friend of labor.

Another gentleman says that there are police stations in Boston within 1,000 or 2,000 feet of the monument on Bunker Hill. Does this mean that, therefore, it would be right for Congress to locate a reformatory or police station within 2,000 feet of Mount Vernon? It means that, or it means nothing. We sentimentalists do not understand that there is anything in that sort of an argument. Boston is a city, and of necessity police stations are placed where men arrested can be quickly incarcerated. But there is no necessity for Congress to locate a criminal reformatory near the home of Washington.

Gentlemen have said much about \$33,000 having already been expended in securing the land at Belvoir. What of that? As was well said by the gentleman from Tennessee, we have spent \$30,000 for one ball to be held in the Pension Office, and the gentleman who now declaims so readily in the name of economy did not object to the expenditure of public funds for that purpose. Yet this \$30,000 for a ball bought nothing for the Government. But the \$33,000 paid for Belvoir has bought the land and the Government owns it. If the reformatory be not located there we will still own the property.

The inmates of the reformatory are going to be practically at large. They are not to be confined behind high walls as are the prisoners in a penitentiary. This land is directly across a narrow cove from Gunston Hall, where lived one of the great fathers of the Revolution, one of the men to whom Thomas Jefferson was greatly indebted, if I have read history aright, not alone for certain of his ideas, but as well for some of the language in his famous state papers—Gunston Hall, the home of George Mason.

Mr. TAYLOR of Ohio. I might state to the gentleman that there has been no complaint from those who own Gunston Hall.

Mr. COOPER of Wisconsin. I do not care whether anybody at Gunston Hall has complained. I protest now in the name of the people of the United States against putting a criminal reformatory on the Potomac River between the home of George Mason and the home of George Washington.

It is said that we are sentimental because we wish to keep George Washington's home sacred. It is a sacred spot to every patriotic American who has read of Washington and his ragged, freezing men during the awful winter at Valley Forge; who thinks of that heroic man there alone at midnight praying to God for help; who remembers that it was his campaign resulting in the victories of Trenton and Princeton which revived the drooping spirits of the Americans and at last enabled them to achieve the final triumph. George Washington was the father of his country, and to every American Mount Vernon is hallowed by memories among the dearest and holiest known to earth. [Applause.] I shall vote for the amendment.

Mr. GARDNER of Michigan. Mr. Chairman, I yield one minute to the gentleman from Pennsylvania [Mr. FOCHT].

Mr. FOCHT. Mr. Chairman, I wish to first challenge the statement made by the gentleman from Minnesota with reference to the presence of George Washington at Trenton and Princeton as constituting the whole Revolutionary War.

Mr. TAWNEY. But the gentleman from Minnesota did not make any statement of that kind at all.

Mr. FOCHT. The gentleman from Wisconsin [Mr. COOPER]. Mr. TAWNEY. There is as much difference between the two States as there is between the two men.

Mr. FOCHT. I wish to also say to the gentleman from Virginia [Mr. CARLIN] and those who live south of the Potomac that while I want the first name listed by every child of this land to be that of George Washington, yet at the same time, while sentimentally, and probably historically, it is accepted that George Washington was the first and greatest man of this country, I nevertheless challenge any man on the floor to dispute the statement that that greatness was made for him as much by Benjamin Franklin, of Pennsylvania, as by any other agency. The resting place of George Washington is a matter of accident. It is local. He was buried on his estate. He was not placed there on Government land. Since the gentleman from Wisconsin speaks of the warm feeling and great heart he had for labor, I beg to remind him that he forgot to tell us the kind of labor he employed, and, as history tells me, he surely kept that labor until he died. But with all reverence for him, I want to say, Mr. Chairman, that the body of Franklin rests by a street in Philadelphia that is busy with activity, heavy with commerce from morning until night, with saloons all around it, with a penitentiary within a mile, and such vice as you will find everywhere in cities near it, and yet we do not cry out against that simply because there is danger of dimming the fame of that great man. And I want to say, Mr. Chairman, that so far as George Washington and Benjamin Franklin are concerned, it matters not how many penitentiaries or how many almshouses or reformatories are built anywhere near their tombs, the memories of both will live on forever enshrined in the hearts of a grateful people.

Mr. CARLIN. Mr. Chairman, I yield half a minute to the gentleman from Iowa [Mr. HULL].

Mr. HULL of Iowa. Mr. Chairman, I have just had it called to my attention that someone has stated in the progress of this debate that the people of that immediate vicinity had no objection to it. I hold in my hand the card of Paul Kester, who purchased Gunston Hall at a price way above its intrinsic value on account of the historical significance of the spot. He informs me that it is a great outrage upon him, as well as upon the Mount Vernon Society. The Nellie Custis place, near Mount Vernon and adjoining this site, was recently purchased by a lady from Pennsylvania who has relatives in Virginia. She has repaired it at great expense and, I am informed, regards this reformatory as utterly destroying the value of her property. This is the home built by Washington for his adopted daughter. I desire to say this because it has been asserted that those having property next to the site have no objection to it, but the reason for our action has gone beyond that, in my mind. It is a question of Mount Vernon and nothing else. Damages may make good to the private owner. Public necessity may, in certain cases, bring hardship to the individual, but the Nation ought not to discredit the home of George Washington. No action of ours should show a lack of appreciation of a place held sacred in all the bitterness of a civil war by both armies. Union and Confederate alike held the place in such veneration that it was never molested. In time of peace this Nation should not allow any commercial consideration to show a want of appreciation of this one venerated spot in our land.

Mr. CARLIN. I yield a half a minute to the gentleman from South Carolina [Mr. ELLERBE].

Mr. ELLERBE. Mr. Chairman, I simply desire to have this editorial from the New York Sun placed in the RECORD.

The CHAIRMAN. Is there objection. [After a pause.] The Chair hears none.

The editorial is as follows:

DESECRATION OF MOUNT VERNON—A SHRINE IN WAR TIMES, IT IS NOW MENACED BY PENAL COLONY.

There is reason to fear that unless public sentiment makes itself felt vigorously and without delay the plan to establish in the neighborhood of Mount Vernon, the home of Washington, a reformatory for criminals of the District of Columbia will be carried out. The District Commissioners, who have the matter in charge, seem to be insensible to the impropriety of such a course. Ground in other parts of Virginia has been offered them, but so far without changing their purpose. One of the commissioners has said that the site was chosen "after a great deal of deliberation." We should say that it had been chosen

with lack of deliberation, and we are reminded of the respectful attitude—reverential is really the proper word—of the opposing armies during the Civil War toward Mount Vernon. Three years before it began the home of Washington had been conveyed in trust to an association of ladies, who were to maintain and preserve it as a shrine for the American people. All through the great conflict the soldiers of the two armies met there in its pauses as friends. A feeble old man was the caretaker of the estate, and he never had occasion to complain of depredations, or even of trespass, although other parts of Virginia were laid waste by the invaders.

Mount Vernon, under the spell of Washington's name, remained a shrine in war as it had been in peace. Yet 45 years afterwards we find the Commissioners of the District of Columbia proposing to build a system of prisons almost within sight of historic and hitherto treasured Mount Vernon and inclined to turn a deaf ear to remonstrance.

The power to go on with this work of profanation is vested in these officers of the National Government, and, apparently, it will be exercised unless Congress intervenes. We can understand why all Virginia is excited about the matter. The tomb and home of Washington are more sacred to her people, if such a thing be possible, than to the people of other States. Virginians with one accord declined to consider the burial of Washington in a stately vault at the National Capital, and so the associations of Mount Vernon are incalculably precious to them.

We believe that when the people of the United States outside of Virginia learn what the Commissioners of the District of Columbia propose to do, they will make their resentment known in terms equally emphatic and lose no time in instructing their Representatives to compel the selection of another site for the reformatory.

Mr. CARLIN. Mr. Chairman, I yield one minute to the gentleman from Massachusetts [Mr. WEEKS], and I understand the gentleman from Michigan has yielded one minute, which will give two minutes to that gentleman.

Mr. WEEKS. Mr. Chairman, I am going to vote for the amendment offered by the gentleman from Virginia. The purpose for which this appropriation is made is utilitarian, entirely so, but this location which has been selected is not the only location which can be used for such a purpose, and it is not necessary to offend the sentiment of thousands and hundreds of thousands of people who are opposed to its location in the neighborhood of Mount Vernon. I am perfectly willing to treat this matter entirely from a sentimental standpoint, for once in a while we ought to treat matters from that standpoint. I believe no more patriotic work has been done in this country than in the preservation of such places as Faneuil Hall, the Old South Church in Boston, Continental Hall in Philadelphia, and Mount Vernon. Mount Vernon has been preserved through the efforts of hundreds, if not thousands, of women scattered throughout the United States. It would not have been done otherwise, and it will be a mecca where Americans will go long after those of us who are here will be forgotten, and it should be protected in every manner possible. I do not argue that the location of a workhouse $3\frac{1}{2}$ miles from it will necessarily be detrimental to the purposes for which Mount Vernon is preserved, but it is not necessary that it should be done. It may be well located in some other place, and those who have charge of Mount Vernon do well to protest against any action which may detract from the value of that place for the purposes for which it is being preserved. [Applause.]

Mr. GARDNER of Michigan. Mr. Chairman, how much time remains now?

The CHAIRMAN. The gentleman from Michigan has 17 minutes remaining and the gentleman from Virginia 16 minutes.

Mr. CARLIN. Mr. Chairman, I ask unanimous consent that each side shall have extension of debate to 20 minutes. It is only an extension of three minutes on a side.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the time on each side be extended to 20 minutes.

Mr. STAFFORD. Mr. Chairman, reserving the right to object, I understand some very important legislation is coming up after the conclusion of this bill, and I shall have to object.

Mr. CARLIN. The gentleman will not save any time by that.

Mr. STAFFORD. We may not save any time, but we have granted a good deal of time in the consideration of this proposition.

Mr. GARDNER of Michigan. Mr. Chairman, it has been my fortune to visit the site of the Occoquan prison and the site for the proposed reformatory, and I say to the gentlemen of the committee that if we could have had the Members of this House go there, as others went, and see the site selected, a large majority would vote for both selections. They are admirably situated, each in its relation to the other, to meet the purposes designed, not by the commissioners, but by the Congress in instructing the commissioners.

As has been stated repeatedly, it is not only now, but it will be in the future, utterly impossible to see the reformatory, or any part of it, from Mount Vernon. The nearest you can get to it by walking, riding by carriage, automobile, or other conveyance, is from $6\frac{1}{2}$ to 8 miles, depending on where you strike the track. To get there otherwise, you must go through a for-

est, over fields, and part way by boat in order to get within $3\frac{1}{2}$ miles.

I want to say, gentlemen, that the commissioners, the Fine Arts Commission, and others who believe in these sites do not yield anything in sentiment to those who oppose them. We venerate the name of George Washington, his great character, his splendid achievements. He belongs not to Virginia; he belongs to America and the world. We are as proud of him as is the gentleman from Virginia [Mr. CARLIN]. But let us look, now, practically and sentimentally, at this matter. Within 1 mile of the dome of this Capitol we have the Congressional Cemetery. There lie buried the old worthies of the early days of the Republic and before railroads were in existence. The remains of a Vice President of the United States, one of the great benefactors of this Nation, laid there until recently, when, to honor his memory in the Commonwealth that gave him birth, his remains were taken up and removed to his native State. But the bodies of scores of Senators and Congressmen lie out there. Now, what? Just over the fence—not 7 miles, but just over the fence—from these we have the jail and the workhouse, we have the reformatory. We have an almshouse, we have a smallpox hospital, we have a leper's hospital, all at this very time within a mile of the dome of this Capitol. Where is the sentiment of gentlemen who object to this reformatory being located $6\frac{1}{2}$ to 9 miles from Mount Vernon, and think that there is nothing in the fact that these our honored predecessors lie just over the fence from all these offensive institutions, sleeping the years away?

Again, it is said by the gentleman from Iowa [Mr. HULL] and others that these prisoners in escaping will be a menace to picnickers and to women and children who may visit the home of Washington; that they will desecrate by their presence the shades of Mount Vernon. Do you suppose that that kind of men are looking for company with George Washington, or even his former associations? Do you suppose a man seeking his liberty escaping from prison would go via Mount Vernon and the tomb of Washington? Do you suppose he would stop and spend time there in his journey to freedom?

Again, it is said that it is a menace to the people of Virginia. I have it on undisputed authority, I want to say to the gentleman from Virginia [Mr. CARLIN], that at this very time farmers in the vicinity of the workhouse at Occoquan, containing the most hardened criminals, are going within the prison inclosure and engaging men confined under sentence to go to their homes when released and work on their farms. That is happening over and over again. There is no sentiment among these people. It is dollars and cents that they are looking for, and they want the use of these prisoners to add to their dollars.

Mr. HELM. Mr. Chairman, will the gentleman yield for a question?

Mr. GARDNER of Michigan. Yes; if it is just a question.

Mr. HELM. Would you be in favor of the city authorities authorizing or licensing a beer garden and dance hall or a brothel on the White House square or in its immediate vicinity?

Mr. GARDNER of Michigan. I do not think anybody here needs to answer that question. Licensing a brothel on the White House square is inconceivable. What relation has that to this question?

Mr. HELM. These institutions in close proximity to the White House would have the same bearing and effect as an institution of this character would have in the immediate vicinity or locality of Mount Vernon.

Mr. GARDNER of Michigan. Mr. Chairman, I do not know of my own knowledge, but from hearsay, which has sometimes been accepted in this House, there is even now not only one brothel, but a hundred, and perhaps more, almost within the shadows of the White House in this city—

Mr. HELM. Are you in favor of establishing places of that kind?

Mr. GARDNER of Michigan (continuing). And the gentleman has done nothing to get them away, so far as I know.

Mr. HELM. The gentleman from Michigan is on the District Committee and I am not.

Mr. GARDNER of Michigan. We have heard the gentleman from Maryland [Mr. PEARRE] declaiming against the establishment of this workhouse within $6\frac{1}{2}$ or 7 miles of Mount Vernon, on the Virginia side. We have not heard him lift his voice in protection of Maryland, and yet the workhouse, if this is prohibited on the Virginia shore, may go over on the Maryland shore, just across the river from Mount Vernon.

Mr. PEARRE. Will the gentlemen from Michigan yield?

Mr. GARDNER of Michigan. I can not yield now. I will have more time for you later.

Mr. PEARRE. I will say to the gentleman from Michigan that I would object to its being located in Maryland also.

Mr. GARDNER of Michigan. I will yield to you later.

If this resolution of the gentleman from Virginia [Mr. CARLIN] passes, it will require a journey of 40 miles from this city to reach the next available point for the location of this workhouse, which will be utterly impracticable from an economic point of view. The Occoquan Workhouse and the reformatory are so related each to the other that they can be worked to advantage and with economy to the District; but I am informed that you can not select another tract of land anywhere near the Occoquan site where this can be done. You must have a landing, a place where you can get in from the river. This site in question affords it.

Now I want to call attention again to the amendment offered by the gentleman from Virginia [Mr. CARLIN]. I will ask the Clerk to read it.

The Clerk read as follows:

Provided, That no part of any appropriation contained in this act shall be expended for any purpose whatsoever for a reformatory or asylum or workhouse in the State of Virginia within a radius of 10 miles of Mount Vernon, except the one now located at Occoquan, Va.

Mr. GARDNER of Michigan. Gentlemen, I should like to call your attention to the language—

Within a radius of 10 miles of Mount Vernon.

Where? In Maryland? No. In the District of Columbia? No; but in Virginia. I should like to call the attention of the gentleman from Maryland [Mr. PEARRE] to that point—

In the State of Virginia within a radius of 10 miles of Mount Vernon.

Mr. PEARRE. I shall be glad to offer an amendment to that to include Maryland.

Mr. GARDNER of Michigan. I can not be interrupted.

Mr. CARLIN. I will say to the gentleman from Maryland that if he will offer such an amendment I will accept it.

Mr. GARDNER of Michigan. You can stand on the steps of the mansion at Mount Vernon and look across into Maryland, where a site may be located under this amendment. You can see for miles on either side there, and yet no voice has been lifted in defense except for Virginia. Is the soil of Virginia so sacred that it alone has any claim upon this protection for Mount Vernon?

Now I want to offer this amendment:

That no appropriation made in this act shall be expended for the support of or in prosecuting work upon any reformatory or penal institution which may be located upon any portion of the 25 square miles located within a circle of that area whose center is the Mount Vernon mansion, once the residence of Washington.

I offer that as an amendment to the amendment. I should like to have the Clerk read that for the benefit of the House.

The Clerk read as follows:

Amend the amendment so as to read as follows:

“Provided, That no appropriation made in this act shall be expended for the support of or in prosecuting work upon any reformatory or penal institution which may be located upon any portion of the 25 square miles located within a circle of that area whose center is the Mount Vernon mansion, once the residence of Washington.”

Mr. CARLIN. Will the gentleman withdraw his opposition to the amendment if I accept that?

Mr. GARDNER of Michigan. I will.

Mr. CARLIN. Does this mean that you can not build it anywhere within the District of Columbia?

Mr. GARDNER of Michigan. Anywhere within an area of 25 square miles, of which Mount Vernon shall be the center.

Mr. CARLIN. Area! Oh, I thought you said radius.

Mr. GAINES. How much diameter does that give?

Mr. GARDNER of Michigan. It is a circle of 25 miles area of which Mount Vernon is the center.

Mr. DOUGLAS. Do you mean area or radius?

Mr. GARDNER of Michigan. Of 25 square miles area, neither in Maryland nor in Virginia. It protects the tomb of Washington.

Mr. GAINES. What is the radius of that circle?

Mr. GARDNER of Michigan. You can figure it out. You are a mathematician.

Mr. GAINES. That would be a radius of less than 3 miles.

Mr. GARDNER of Michigan. I can not yield to the gentleman. That would accomplish what we all desire and would protect Mount Vernon from desecration.

Mr. CARLIN. Would not that allow this reformatory to be placed on this very same property?

Mr. GARDNER of Michigan. Undoubtedly, a part of it.

Mr. CARLIN. That is what I thought.

Mr. GARDNER of Michigan. Our contention is that if you prohibit the erection of a reformatory within an area of 25 miles, of which the Mount Vernon mansion shall be the center, there would be no desecration, and even less objectionable if it were farther than that, as the Belvoir tract is.

Mr. CARLIN. Mr. Chairman, those of my associates who have served with me in this House will bear me out in the state-

ment that I seldom intrude upon the time of this House. I do not belong to what is known as the D. D.'s, or the daily debaters. [Laughter.] It is only because the people of my district and the people of this country are interested in this important question that I intrude upon the time of the House to-day.

What is the proposition pending before this Congress? And who are its proponents? The District appropriation committee of the House, usurping the functions of the Committee on the District of Columbia in violation of the solemn, written, and printed rules of this House, in an effort to accomplish legislation on an appropriation bill by the common and well-known trick of having it go out here on a point of order and coming back from the other side of the Capitol as an amendment to this bill, then put into conference, the conferees, every one of whom have spoken here to-day in favor of this transaction, to report to this House an agreement from the conferees, and compelling us either to defeat the whole bill or submit to this trick of legislation.

Now, with this before the Representatives of the people, I offered this amendment to prevent coming back from the other side in the manner I have indicated the legislation which, I believe, is objected to by the Representatives of the people in this Chamber.

Now, what are the facts, Mr. Chairman? In 1858 the State of Virginia granted a charter to a ladies' association to be known as the Mount Vernon Ladies' Association of the Union. The object was to purchase from the heirs of Washington Mount Vernon, at a cost of \$200,000, and to preserve its traditions and to restore it to its normal and usual conditions during the lifetime of Washington.

Those good women represented each State in the Union, there being no distinction made, geographically or otherwise, but every State selecting a regent, and that was done. Then what happened? The money was raised by these good women. Mount Vernon was purchased and it is to-day in the hands of the same association of women, who have never asked one dollar or a single favor from this great Nation, which was established by this great man. They have by their own contributions and efforts been able to maintain and restore Mount Vernon. Some gentleman here—I think it was the gentleman from Minnesota—could see no difference between the workingman who works in a brickyard and the criminal who wears stripes in a prison. No wonder to me that some things have recently happened to gentlemen who entertain those opinions. [Laughter.] He wondered why the admission should not be taken from the gates and the public permitted to enter free at the gates of Mount Vernon. I will tell him why. This small pittance of 25 cents does not begin to defray the expenses of the institution, but is simply levied to keep the idle loafer and the criminal classes from desecrating Mount Vernon. It has had that effect; and only those who desire to go there and visit the place do so.

Now, Mr. Chairman, let us see what has happened. This solicitous appropriation committee, through the subcommittee, comes to the House with this appropriation bill asking for what? That you be allowed to construct on the Belvoir property the buildings necessary for a penal institution. We interpose an objection and the answer comes that we are sentimental; that there is nothing in our opposition except sentiment. Let us see. They have told the House that the Government has acquired the title to this property. I deny it. Pending in the Federal court of Virginia to-day is an appeal from the condemnation proceedings under which they are attempting to acquire the property. Why will this appeal prevail? I will tell the lawyers in this House why and they will understand it. Virginia has given the right under a statute for the Federal Government to acquire property for its uses in Virginia, but it has never given that right to the District of Columbia, and so they come in on another appropriation bill and provided that this title should be in the United States Government. I say to you with perfect frankness that this legal piece of jugglery has been exposed in the Federal court, and when the time comes for the final hearing I do not believe that the District will be permitted to operate this prison.

But, my friends, aside from this they say it is not a menace to Mount Vernon, and what do they ask? Here in the sacred halls not so many years ago the Representatives of this great Republic named the Capital of this Nation after the man whose remains I am attempting to protect to-day. Yonder, only a short distance away, we have expended millions of dollars for the erection of a monument second to none in the world in response to this sentiment which you would destroy. [Applause.] Now, you come and say that, although you have spent the people's

money for these great structures to commemorate his memory, we will put near his home, where rest the remains of the only woman he ever loved and where rests his sacred body, this reformatory that it may stand as a stench in the nostrils of the American people. [Applause.] Tell me that sentiment is dead in this land! When sentiment dies so dies the law. As long as honest men are moved by honest motives, as long as this Republic stands, in my opinion you will not be permitted to put any stripes within the shadow of Mount Vernon save the Stars and Stripes, the flag that he fought to establish and finally gave to this Union. [Applause.]

Mr. GARDNER of Michigan. Will the gentleman permit a question?

Mr. CARLIN. Yes.

Mr. GARDNER of Michigan. Does the gentleman think an area of 25 miles, of which Mount Vernon is the center, to be a violation of that sentiment?

Mr. CARLIN. I think this proposed area is a legislative trick. I want to tell this House that that puts the building on the same property on which you are now seeking to put it, and leaves you with your land intact, and I think puts the buildings where you have intended to put them anyway.

Mr. GARDNER of Michigan. Will the gentleman permit another question?

Mr. CARLIN. If it does not come out of my time.

Mr. MANN. It does come out of the gentleman's time.

Mr. GAINES. Mr. Chairman, will the gentleman from Virginia permit an interruption in order that I may correct a wrong impression that I left a moment ago? I asked the gentleman from Michigan whether this would not mean a radius of 4 miles. It does mean a radius of something between 2.8 and 2.9 miles.

Mr. GARDNER of Michigan. Mr. Chairman—

The CHAIRMAN. Does the gentleman yield?

Mr. CARLIN. I can not yield, Mr. Chairman.

Mr. GARDNER of Michigan. I should like to have the committee understand that—

Mr. CARLIN. Well, the gentleman must get more time; he can not take it out of mine. Now, what does this mean? My amendment provides that it shall not be placed within 10 miles of Mount Vernon, while the gentleman's amendment to the amendment places it within 2½ miles on the same strip of land, which comprises nearly 1,500 or 2,000 acres. So, Mr. Chairman, let me say that the people of Virginia are unanimous in their protest against this desecration. Let me say that every good man and good woman throughout the breadth of this land who has considered this subject, in my opinion, is in favor of this amendment, and let me say to you further, that we may make no mistake, that the home and tomb of Washington mean much to the people of this Nation. It is the Mecca of America and the inspiration to the youth of our land, and you shall not place this stigma upon the Nation, you must not place this stench within the shadow of this sacred spot. [Applause.]

Mr. Chairman, I ask unanimous consent to place in the RECORD this editorial referred to.

The CHAIRMAN. Is there objection?

There was no objection.

The editorial is as follows:

[From Washington Post, Jan. 30, 1911.]

THE BELVOIR APPROPRIATION.

The fight against the unpopular scheme to establish an outdoor reformatory on historic property adjoining the home and tomb of Washington is to be renewed in the House to-day. The proposed "national disgrace" is meeting with spirited and effective opposition, and the outlook is brightening for a successful resistance of the act of desecration. A crippling blow was given the measure at Saturday's session through a point of order raised by Representative CARLIN, who is making a brilliant stand against the plans of the District Commissioners. It develops that the sentimental phase of the controversy is supplemented by serious obstacles of a legal nature which Mr. CARLIN's speech brought into notice for the first time.

The fact that the reformatory at Belvoir is planned to be conducted on the farm principle appears to have escaped the notice of many. It is this open-door feature of the institution which has caused the feeling of insecurity on the part of the lady custodians of Mount Vernon and the other residents in the vicinity. A penal colony is more to be dreaded, for reasons of personal safety, than a closed institution, from which escape is difficult. Belvoir is only a few miles from Occoquan, where the District already has planted a penal colony and given the people of lower Fairfax County a foretaste of what is in store when the larger plant at Belvoir goes into operation.

The frequency with which the convicts at Occoquan take French leave and roam over surrounding property keeps the neighborhood in a state of alarm. The effect on property values at Occoquan has been disastrous. Washington people having summer residences thereabouts have closed them permanently, owing to the unceremonious ways of unbidden guests who have eluded Warden Whittaker and the guards.

The people of the District do not demur to the purchase of 4,000 acres of land for penal purposes, but if they were given opportunity to vote on choice of sites, the homes of George Washington, George Mason, Lord Fairfax, and Nellie Custis would never come within the vision and touch of the criminal class.

Mr. GARDNER of Michigan. Mr. Chairman, the gentleman from Virginia, usually so courteous, was a little unfortunate in his statement when he said this was a trick.

Mr. CARLIN. I said a legislative trick.

Mr. GARDNER of Michigan. A trick. I did not understand the use of the word "legislative" and besides somebody must be back of the legislation, and that is the personnel of the committee. The amendment was offered in good faith, first, to show how great a protection an area of 25 miles of which Mount Vernon is the center would be—ample protection it seems to me, more than any other American on this continent has against the desecration of his tomb. Not only that but it shows the utter absurdity of the argument that we should go 10 miles in a given direction, leaving nothing out across the river, or in Virginia.

The CHAIRMAN. The question is on agreeing to the amendment to the amendment offered by the gentleman from Michigan.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that we may have the amendment again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

The question was taken; and on a division (demanded by Mr. GARDNER of Michigan) there were—ayes 55, noes 125.

So the amendment to the amendment was rejected.

Mr. PEARRE. Mr. Chairman, I desire to offer an amendment to the amendment of the gentleman from Virginia by adding after the word "Virginia" the two words "or Maryland."

Mr. CARLIN. Mr. Chairman, I accept that.

Mr. HULL of Iowa. I hope that will not be adopted—

The CHAIRMAN. The gentleman from Maryland offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend the amendment by inserting after the word "Virginia," where it first occurs in the amendment, the words "or Maryland."

The question was taken, and the Chair announced the noes seemed to have it.

Upon a division (demanded by Mr. PEARRE) there were—ayes 114, noes 13.

So the amendment was agreed to.

The CHAIRMAN. The question now is on agreeing to the amendment as amended.

The question was taken, and the Chair announced the ayes seemed to have it.

On a division (demanded by Mr. TAWNEY) there were—ayes 112, noes 42.

So the amendment as amended was agreed to.

The Clerk began the reading of the bill.

Mr. CARLIN rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. CARLIN. From what page is the Clerk reading?

The CHAIRMAN. From page 93.

Mr. CARLIN. I want to ask the Chairman where, in the opinion of the Chair, this paragraph closes, because I desire to make a point of order against the paragraph.

The CHAIRMAN. The paragraph begins on page 93 and ends on page 98; it is only one paragraph in the bill.

Mr. CARLIN. The paragraph ends on page 98?

The CHAIRMAN. It does.

Mr. CARLIN. Then I desire to make the point of order on it when we come to it.

The Clerk read as follows:

Reformatory and workhouse: For the following purposes in connection with removal of jail and workhouse prisoners from the District of Columbia to the sites acquired or to be acquired for a workhouse and reformatory in the State of Maryland or Virginia, in accordance with the provisions of existing law, including superintendence, custody, clothing, guarding, maintenance, care, and support of said prisoners; subsistence, furniture, and quarters for guards and other employees and inmates; the purchase and maintenance of farm implements, live stock, seeds, and miscellaneous items, tools and equipment; transportation and the means of transportation; the maintenance and operation of the means of transportation; and supplies and personal services, and all other necessary items, \$288,000, of which sum \$91,000 shall be immediately available: *Provided*, That the supreme court of the District of Columbia, the Attorney General, and the warden of the District of Columbia Jail, when so requested by the Commissioners of the District of Columbia, shall deliver into the custody of either of said superintendents or the authorized deputy or deputies of either of said superintendents of said reformatory and workhouse, male and female prisoners sentenced to confinement in said jail for offenses against the common law or against statutes or ordinances relating to the District of Columbia, and, in the discretion of the supreme court of the District of Columbia and the Attorney General, male and female prisoners serving sentence in said jail for offenses against the United States, for the purposes named in the law authorizing the acquisition of sites for said reformatory and workhouse and such other work or services as may be necessary, in the discretion of the commissioners of said District, in connection with

the construction, maintenance, and operation of said reformatory and workhouse, or the prosecution of any other public work at either of said institutions or in the District of Columbia: *Provided further*, That, on the direction of said commissioners, male and female prisoners confined in any existing workhouse of the District of Columbia shall be delivered into the custody of either of said superintendents or the authorized deputy or deputies of either of said superintendents aforesaid, to perform similar work or services to those hereinbefore required of male and female prisoners serving sentences in the District of Columbia Jail: *Provided further*, That the Commissioners of the District of Columbia are hereby vested with jurisdiction over such male and female prisoners from the time they are so delivered into the custody of either of said superintendents or the duly authorized deputy or deputies of said superintendents, including the time when such prisoners are in transit between the District of Columbia and the sites acquired or to be acquired for such reformatory and workhouse, and during the period such prisoners are on such sites or in the District of Columbia until they are released or discharged under due process of law: *Provided further*, That all the authority, duties, discretion, and powers now vested in the Attorney General of the United States, by law, in relation to the support of prisoners sentenced to confinement in the jail of the District, including the custody of the jail building, grounds, and appurtenances, and authority over the warden and employees thereof, and in relation to and accounting for all appropriations in connection with such prisoners, jail, warden, and employees, are hereby transferred to and vested in the Commissioners of the District of Columbia, to take effect and be in force on and after the 1st day of July, 1911, and the Commissioners of the District of Columbia are hereby authorized and directed to receive and keep in the jail of the District of Columbia all other prisoners committed thereto for offenses against the United States: *Provided further*, That the jail of the District of Columbia and the Washington Asylum of said District, on and after the 1st day of July, 1911, shall be combined as one institution, known as the Washington Asylum; and the commissioners of said District are hereby authorized to appoint a superintendent of said institution, at a compensation of \$1,800 per annum, and the positions of warden of the jail and superintendent of the institution now known as Washington Asylum are abolished on and after said date; and all the duties, discretion, and powers now vested in and exercised by the warden of the jail of said District and the superintendent of the present Washington Asylum are hereby transferred to and vested in the superintendent herein provided for, who shall give bond to the District of Columbia for the faithful performance of the duties of his office, as are now or may hereafter be prescribed, in the penal sum of \$5,000, with surety or sureties to be approved by said commissioners: *Provided further*, That whenever and wherever authority of law exists to sentence, commit, order committed, or confine any person to or in said jail or asylum, said authority shall, on, from, and after July 1, 1911, be exercised by sentence, commitment, order of commitment, or confinement to or in said Washington Asylum: *Provided further*, That all of the powers, duties, and authority now vested in the supreme court of the District of Columbia in relation to the appointment and removal of the warden of the jail of the District of Columbia, in relation to the making of rules for the government and discipline of the prisoners confined in the jail, are hereby transferred to and vested in the Commissioners of the District of Columbia, who shall also have the authority heretofore vested in the warden to appoint subordinate officers, guards, and employees, without the approval of the chief justice of the supreme court of the District of Columbia: *Provided further*, That whenever a person over 17 years of age is to be sentenced by any court in the District of Columbia to a term of imprisonment, the court shall have power, in its discretion, to sentence such person to the reformatory for the District of Columbia, instead of to any other place of confinement provided for by law: *Provided further*, That the Commissioners of the District of Columbia are hereby authorized, under such regulations as they may prescribe, to sell to the various departments and institutions of the government of the District of Columbia the products of said reformatory and workhouse, and all moneys derived from such sales shall be paid into the Treasury, one-half to the credit of the United States and one-half to the credit of the District of Columbia.

Mr. CARLIN. Mr. Chairman, I make the point of order against the entire paragraph.

The CHAIRMAN. The gentleman will state it.

Mr. CARLIN. That it is in conflict with Rule XXI in regard to the fact that it creates new offices, makes new legislation, and repeals existing legislation. I understand, Mr. Chairman, the rule of the House has been uniform to this effect, that wherever a part of a paragraph comes within the rule the whole paragraph must fall.

The CHAIRMAN. Does the gentleman from Michigan desire to be heard? If not, the point of order is sustained.

Mr. GARDNER of Michigan. Mr. Chairman, I desire to offer the following amendment, which I ask the Clerk to read.

Mr. CARLIN. Mr. Chairman, the gentleman can not do that while the point of order is pending.

The CHAIRMAN. The point of order has been sustained.

The Clerk read as follows:

Reformatory and workhouse: For the following purposes in connection with removal of jail and workhouse prisoners from the District of Columbia to the sites acquired or to be acquired for a workhouse and reformatory in the State of Maryland or Virginia, in accordance with the provisions of existing law, including superintendence, custody, clothing, guarding, maintenance, care, and support of said prisoners; subsistence, furniture, and quarters for guards and other employees and inmates; the purchase and maintenance of farm implements, live stock, seeds, and miscellaneous items, tools and equipment; transportation and the means of transportation; the maintenance and operation of the means of transportation; and supplies and personal services, and all other necessary items, \$288,000, of which sum \$91,000 shall be immediately available.

Mr. CARLIN. A point of order, Mr. Chairman. This amendment is a change of existing law.

Mr. TAWNEY. In what respect?

Mr. CARLIN. In providing for the transfer of prisoners to places where there is no statute providing for them now. I

think that what the gentleman wants is this. I am anxious to aid the gentleman in making perfect his bill, and if you will permit the suggestion, I will be glad to make it to you. After striking out the paragraph which has been stricken out on the point of order it leaves no appropriation now for the warden of the jail of the District of Columbia or for the support of prisoners of the District of Columbia. I have an amendment prepared which will cover that, if you would like to see it.

Mr. GARDNER of Michigan. Mr. Chairman, this is simply an appropriation to continue the work already authorized by Congress. One site has been selected and is now in operation, and nothing that has been done to-day prevents the selection of another site. There is now no money provided for the maintenance of the institution that exists and authorized by law, and if this amendment does not prevail we shall have the institution without any appropriation.

Mr. CARLIN. Mr. Chairman, the gentleman has taken from the bill the previous paragraph, which if it is now adopted will nullify the recent action of the House.

Mr. GARDNER of Michigan. How? State it.

Mr. CARLIN. I will do so. It says:

For the following purposes in connection with the removal of jail and workhouse prisoners from the District of Columbia to the sites—

You will notice that is plural—

acquired or to be acquired for a workhouse and reformatory in the State of Maryland or Virginia.

You have a workhouse in Virginia now, but we have just declined to permit you to put the reformatory there, and this amendment does put the reformatory there and gives you the right to remove the prisoners to that.

Mr. GARDNER of Michigan. The gentleman does not mean that.

Mr. CARLIN. I mean exactly that. The resolution provides, if it provides anything, that it shall not be within 10 miles of Mount Vernon. The Congress has already authorized it in Virginia. I ask for the reading of the law.

Mr. GARDNER of Michigan. I understand; but the gentleman's amendment which has been handed to me—

Mr. CARLIN. I ask for the reading of the law. Mr. Chairman, I want, if you will permit me, to reserve the point of order for a minute, if the gentleman from Michigan will permit it.

The CHAIRMAN. The gentleman from Michigan has the floor and is speaking to the point of order, and has sent the law to the desk and asked to have it read in his time. The Clerk will read the current law.

The Clerk read as follows:

Reformatory and workhouse: For the following purposes in connection with the removal of jail and workhouse prisoners from the District of Columbia to the sites acquired or to be acquired for a workhouse and reformatory in the State of Maryland or Virginia, in accordance with the provisions of existing law, including superintendence, custody, clothing, guarding, maintenance, care, and support of said prisoners; subsistence, furniture, and quarters for guards and overseers; the purchase and maintenance of farm implements, tools, equipment, live stock, seeds, and miscellaneous items, transportation and the means of transportation; the maintenance and operation of the means of transportation; and supplies and personal services, and all other necessary items, to continue available during the fiscal year 1911, \$120,000: *Provided*, That the Commissioners of the District of Columbia are hereby authorized to appoint a superintendent for each institution on the said sites, and require bond from such superintendent for the faithful performance of his duty, and to employ such other personal services as may be necessary, and the supreme court of the District of Columbia, the Attorney General, and the warden of the District of Columbia jail, when so requested by the Commissioners of the District of Columbia, shall deliver into the custody of either of said superintendents or the authorized deputy or deputies of either of said superintendents, prisoners sentenced to confinement in said jail for offenses against the common law or against statutes or ordinances relating to the District of Columbia, and, in the discretion of the supreme court of the District of Columbia and the Attorney General, prisoners serving sentence in said jail for offenses against the United States, for the purposes named in the law authorizing the acquisition of sites for said reformatory and workhouse; and the Commissioners of the District of Columbia are hereby vested with jurisdiction over such prisoners from the time they are so delivered into the custody of either of said superintendents, or the duly authorized deputy or deputies of said superintendents, including the time when such prisoners are in transit between the District of Columbia and the sites acquired or to be acquired for such reformatory and workhouse and during the period such prisoners are on said sites and until they are released or discharged under due process of law.

And the appropriation for "sites for a reformatory and workhouse" contained in the District appropriation act for the fiscal year ending June 30, 1910, and the appropriation for Washington Asylum contained in the District appropriation act for the fiscal year ending June 30, 1911, are hereby made available and may be used interchangeably for the purposes hereinbefore provided for in addition to said appropriation herein made.

Mr. DOUGLAS. Will the gentleman yield?

Mr. GARDNER of Michigan. Not now. Mr. Chairman, that is simply a limitation to the two sites. The action of the House does not affect the operation of the law only in so far as it relates to the site to be chosen outside of the 10-mile limit from Mount Vernon, either in the States of Maryland or Virginia.

The law requires that these institutions shall be established, one of them is in process of establishment, and is established to all intents and purposes, and must be cared for and supported, and this supplies the provision. The other has been provided for, and as soon as the site is selected, according to the action of the House, the work will go on according to law.

Mr. DOUGLAS. Will the gentleman yield?

Mr. COOPER of Wisconsin. I wanted to ask the gentleman from Michigan this question: I observe it refers to sites acquired or to be acquired; now, then, does the language "sites acquired" refer to the site at Belvoir?

Mr. GARDNER of Michigan. At Occoquan.

Mr. DOUGLAS. It relates to both of them.

Mr. COOPER of Wisconsin. Belvoir is acquired, I will say to the gentleman from Michigan [Mr. GARDNER]. That is the very one we are trying to exclude.

Mr. DOUGLAS. Will the gentleman consent that, after the word "sites," the same limitation shall go in to which he has referred?

Mr. GARDNER of Michigan. I understand the action of the House puts the limitation on and rules the Belvoir site out.

Mr. DOUGLAS. At the same time he continually refers here to sites acquired under that act, and this site you claim has been acquired, and therefore it is open to the construction that the site acquired under the act of last year may still be used, and the House has the right to know it will not be used.

Mr. MANN. You could not use any money in this appropriation for it.

Mr. TAWNEY. Of course not.

Mr. DOUGLAS. We can make it clear by amendment.

Mr. TAWNEY. Anybody who understands the English language knows that.

Mr. GARDNER of Michigan. Mr. Chairman, have I the floor?

The CHAIRMAN. The gentleman from Michigan has the floor.

Mr. GARDNER of Michigan. Does not this, then, I will say to the gentleman, relieve any ambiguity it may have:

In accordance with the provisions of existing law and the limitations of this act.

Mr. CARLIN. I will not consent to anything which is coupled—

Mr. GARDNER of Michigan. The gentleman is not making a speech. I will simply ask for an answer to the question.

Mr. CARLIN. Then, no, sir. I have made the point of order, and I should like to be heard upon it.

The CHAIRMAN. The Chair is ready to rule, but he will hear the gentleman.

Mr. CARLIN. I call the attention of the Chair to the fact that the first part of the amendment provides as follows:

For the following purposes in connection with the removal of jail and workhouse prisoners from the District of Columbia.

There is no statute which provides for the removal of prisoners from the District of Columbia. There has been enacted a statute which permits the purchase of a site, which was a preliminary statute; but the statute has not yet been passed which permits the removal of prisoners.

Mr. MANN. Will the gentleman permit me to ask him a question?

Mr. CARLIN. Why, certainly.

Mr. MANN. Under what authority of law are prisoners now removed to the workhouse in Virginia?

Mr. CARLIN. Under no authority of law, except the one the gentleman from Michigan is contending for, that the right to purchase a site carries with it the right to remove the prisoners.

Mr. MANN. If there is no authority of law for removing these prisoners, any of them could get out on a writ of habeas corpus.

Mr. CARLIN. I think so.

Mr. MANN. The gentleman could undoubtedly get plenty of employment if he could enforce that contention in the courts.

Mr. CARLIN. I am not responsible for the failure of the law to authorize it.

Mr. MANN. Does the gentleman think the authorities are removing these prisoners there without any authority of law?

Mr. CARLIN. I think so. What does the gentleman think about it?

Mr. MANN. I do not believe it for a moment.

Mr. CARLIN. Then produce the statute which gives the authority.

Mr. MANN. I am not under obligation to produce the statute.

Mr. TAWNEY. The statute was read a moment ago.

Mr. CARLIN. I am contending that that statute does not cover the point.

The CHAIRMAN. The Chair is ready to rule. The action taken by the House to-day on the amendment of the gentleman from Virginia [Mr. CARLIN] is not yet law, and would therefore not be binding on the Chair in the disposition of this point of order.

The question to be decided here is as to whether this appropriation is for a purpose authorized by law. The chairman of the committee has referred the Chair to the District appropriation act of last year, which contains a proviso as follows:

The Commissioners of the District of Columbia are hereby authorized to appoint a superintendent for each institution on the said sites and require bond from such superintendent for the faithful performance of his duty, and to employ such other personal services as may be necessary; and the supreme court of the District of Columbia, the Attorney General, and the warden of the District of Columbia Jail, when so requested by the Commissioners of the District of Columbia, shall deliver into the custody of either of said superintendents, or the authorized deputy or deputies of either of said superintendents, prisoners sentenced to confinement in said jail for offenses against the common law or against statutes or ordinances relating to the District of Columbia.

It would seem to the Chair that this is clearly an authorization for the appropriation called for in the amendment offered by the gentleman from Michigan, and therefore the Chair overrules the point of order.

Mr. DOUGLAS. I offer the following amendment.

Mr. CARLIN. I move to amend—

Mr. GARDNER of Michigan. Mr. Chairman, I have an amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment which the Clerk will report.

Mr. CARLIN. I think I was recognized by the Chair.

The CHAIRMAN. The gentleman was not recognized. Three gentlemen were on the floor at the same time seeking recognition, and the Chair recognized the chairman of the subcommittee.

The Clerk read as follows:

Provided further, That the Commissioners of the District of Columbia are hereby authorized, under such regulations as they may prescribe, to sell to the various departments and institutions of the government of the District of Columbia the products of said workhouse, and all moneys derived from such sales shall be paid into the Treasury, one-half to the credit of the United States and one-half to the credit of the District of Columbia.

Mr. CARLIN. A point of order, Mr. Chairman, that there is no statute which permits the District of Columbia to go into the huckstering business.

Mr. GARDNER of Michigan. I hope the gentleman will withhold his point of order a moment.

Mr. CARLIN. I want to amend the amendment by striking out certain words, but here we have a second amendment.

The CHAIRMAN. Does the gentleman reserve the point of order or make it?

Mr. CARLIN. I want to call the attention of the Chair to the parliamentary status. I desire to amend the first amendment which is offered. The Chair would not recognize me for the purpose and is now recognizing the gentleman for a second amendment before we have had a chance to vote on the first.

The CHAIRMAN. The Chair understands this is an amendment to the amendment, which the gentleman from Michigan has a right to offer, and according to the practice of the House it is the duty of the Chair first to recognize the gentleman having the bill in charge.

Mr. MANN. I make a point of order on the amendment to the amendment that it changes existing law.

Mr. GARDNER of Michigan. I would like to be heard, if the gentleman will allow me, so that the House will understand it.

Mr. MANN. I do not see that it makes any difference, if it is not in order, and I make the point of order.

The CHAIRMAN. The gentleman from Illinois makes the point of order, and the Chair sustains it.

Mr. DOUGLAS. Mr. Chairman, I want to offer an amendment.

Mr. CARLIN. Mr. Chairman, I offer an amendment to strike out the word "reformatory" wherever it occurs, and change the word "sites" to "site."

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 3 of the amendment change the word "sites" to "site;" and strike out the words "and reformatory" where they occur; and also strike out the word "acquire."

Mr. GARDNER of Michigan. Mr. Chairman, I make a point of order on that.

Mr. TAWNEY. That changes existing law.

Mr. GARDNER of Michigan. Mr. Chairman, the law as read to the House clearly provides for the acquisition of two sites. We supposed we had the two sites selected, but under the action to-day there is but one, but that does not change the authoriza-

tion by Congress that the other site shall be selected. Hence, if we are to have a second site we must provide for it the same as we provided for it in the bill in the early part of the day.

Mr. CARLIN. You need not provide for it now.

Mr. GARDNER of Michigan. Does the gentleman want to wait a year and a half?

Mr. CARLIN. I do not care how long you wait, I will say to the gentleman.

Mr. TAWNEY. There is not so much a matter of sentiment now as there was. It was merely a real estate sentiment.

Mr. CARLIN. I do not want any language employed here which may bring a conflict of construction; that is all I am after.

Mr. GARDNER of Michigan. There can be no conflict of construction when the House clearly authorizes by a previous enactment a selection of two sites.

Mr. CARLIN. But this amendment of yours goes on and uses the word "reformatory."

Mr. TAWNEY. Let me ask the gentleman from Virginia a question. Has he any objection to the selection of a site outside of the 10-mile limit which the House agreed to?

Mr. CARLIN. None whatever.

Mr. TAWNEY. Then you can not have any objection to this proposed amendment.

Mr. CARLIN. That is a matter of opinion. I think the gentleman does not understand it.

Mr. TAWNEY. Otherwise the proposition is unlimited in accomplishing what the gentleman wants.

Mr. CARLIN. I do not propose to leave it as a matter of doubtful construction.

Mr. TAWNEY. It is not a matter of doubtful construction.

Mr. CARLIN. That is the gentleman's opinion.

The CHAIRMAN. The Chair does not quite understand the amendment of the gentleman from Virginia. The Clerk will now again report the amendment.

The Clerk read as follows:

In the subhead strike out the words "reformatory and," and in the third and fourth lines strike out the words "sites acquired or," so that it will read "Workhouse: For the following purposes in connection with the removal of jail and workhouse prisoners from the District of Columbia to the site to be acquired for a workhouse in the State of Maryland or Virginia."

Mr. CARLIN. Strike out the words "to be," leaving it to read "acquired for a workhouse in the State of Maryland or Virginia."

Mr. GARDNER of Michigan. That nullifies the previous amendment and leaves no provision for the workhouse which we have put in the law and for which the commissioners have purchased the site.

Mr. CARLIN. I hate to differ with the gentleman; the plain language of the amendment provides for only one thing, and that is the removal of the prisoners. There is nothing in this that provides for the purchase of a site; this is the removal of prisoners to the site.

Mr. GARDNER of Michigan. For the support of the workhouse.

Mr. CARLIN. What I am going to do is to prevent your removing prisoners to the reformatory if I can.

The CHAIRMAN. The Chair would first ask the gentleman from Michigan if he can produce any law or rule of the House which would prevent the House refusing to appropriate for any purpose, although authorized by law. It would seem to the Chair that this is an attempt to refuse to appropriate for certain purposes for which Congress would be authorized to appropriate because provided for by law, and Congress is not compelled to appropriate for these objects unless it chooses to do so. The point of order, it seems to the Chair, should be overruled and the amendment of the gentleman from Virginia held to be in order. The Chair overrules the point of order.

Mr. GARDNER of Michigan. I only want to say that Congress has authorized the selection of a site for a reformatory and the erection of buildings thereon and the establishment of an institution. To-day we have simply put a limitation on the distance which that reformatory shall be from Mount Vernon.

Mr. JAMES. Mr. Chairman, I wish to ask both the gentleman from Michigan and the gentleman from Virginia whether they will not accept this amendment drawn by the gentleman from Ohio [Mr. DOUGLAS]:

After the word "site," at the end of line 3 of the amendment, add "and subject to the limitation herein set forth that no such site shall be within 10 miles from Mount Vernon, in either the State of Virginia or Maryland."

Mr. GARDNER of Michigan. I offered to do that some time ago.

Mr. CARLIN. I suggest to the gentleman that if he accepts that it will defeat the purpose he wants to accomplish, because it will apply to Occoquan.

Mr. GARDNER of Michigan. That was in the action of the House. Occoquan was excepted.

Mr. CARLIN. But you do not want to prevent the removal of prisoners to the workhouse.

Mr. GARDNER of Michigan. Occoquan was excepted in the resolution that the gentleman offered.

Mr. CARLIN. But it is not excepted in this.

Mr. GAINES. Mr. Chairman, if the gentleman from Michigan is willing to accept this proposed amendment, the gentleman from Virginia should be willing.

Mr. CARLIN. I will accept it.

The CHAIRMAN. Does the gentleman from Virginia withdraw his amendment? The amendment of the gentleman from Ohio is not in order at the present time. The question is on the amendment offered by the gentleman from Virginia.

Mr. CARLIN. I insist upon my amendment first.

Mr. GARDNER of Michigan. I would like to hear read the amendment proposed by the gentleman from Ohio.

Mr. STAFFORD. Mr. Chairman, has the Chair ruled upon the amendment offered by the gentleman from Virginia?

The CHAIRMAN. Yes; the Chair has ruled that the amendment of the gentleman from Virginia is in order. The gentleman from Michigan asks unanimous consent for the reading of the amendment presented by the gentleman from Ohio. Is there objection?

There was no objection.

The Clerk read as follows:

After the word "site," at the end of line 3 of the amendment, add:

"But subject, however, to the limitation hereinbefore set forth that no such site shall be within 10 miles of Mount Vernon in either the States of Virginia or Maryland."

Mr. GARDNER of Michigan. Mr. Chairman, that amendment is too sweeping, because Occoquan is within 10 miles of Mount Vernon.

Mr. ROBERTS. That is already provided for. This does not apply to it.

Mr. GARDNER of Michigan. This was offered some time ago by myself—providing for a reformatory in the States of Maryland and Virginia, in accordance with the provisions of law and the limitations of this act, which prohibits the selection of a reformatory within 10 miles of the home of Washington.

Mr. ROBERTS. This does the same thing.

Mr. CARLIN. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The gentleman from Michigan is discussing the amendment of the gentleman from Virginia, which is the regular order.

Mr. CARLIN. How can that be open for discussion?

Mr. GARDNER of Michigan. Mr. Chairman, I would like to offer an amendment as a substitute for the one now before the House.

The CHAIRMAN. The gentleman from Michigan offers an amendment as a substitute.

Mr. CARLIN. Mr. Chairman, I make the point of order that the gentleman having offered the original amendment, he can not offer a substitute now without withdrawing his amendment.

The CHAIRMAN. The Chair would like to be cited to the rule forbidding it. The question is on the amendment offered by the gentleman from Virginia to the amendment first offered by the gentleman from Michigan. The gentleman from Michigan now proposes a substitute amendment.

Mr. GARDNER of Michigan. It is as follows:

For the following purposes in connection with the removal of jail and workhouse prisoners from the District of Columbia to the sites acquired, or to be acquired for workhouse and reformatory in the States of Maryland or Virginia, in accordance with the provisions of existing law and the limitations of this act.

Mr. CARLIN. Mr. Chairman, I move to lay that on the table.

Mr. MANN. Mr. Chairman, I make the point of order that that motion is not in order.

The CHAIRMAN. That motion is not in order.

Mr. COOPER of Wisconsin. Mr. Chairman, I would like to ask the gentleman from Michigan if, upon reflection, he does not think that he is mistaken as to the effect of his amendment. I mean the words—

Reformatory and workhouse: For the following purposes in connection with the removal of jail and workhouse prisoners from the District of Columbia to the sites acquired or to be acquired.

These words mean not the removal of a workhouse but the removal of prisoners to a site—a "site acquired"—and that means the site within 3 miles of Mount Vernon, for that is the only one we have already acquired.

Mr. TAWNEY. Subject to the limitations of this act, which prevents the removal of prisoners to the site heretofore acquired.

Mr. COOPER of Wisconsin. No; the expression "subject to the limitations of this act," as it appears in that amendment,

would not be so construed. Those words "the limitations of this act" would be held not to refer to the matter of location, because the same amendment fixes the location by providing for removing prisoners to the "site acquired." Those words "the limitations of this act" would be construed to refer to the limitations, of which there are several, referring to the powers and duties of the commissioners as to these prisoners, their removal, and so forth. That would be the construction put upon it by a court, and therefore the words "site acquired" should be stricken out; otherwise there is not only an ambiguity, but an ambiguity that would be construed far away from the contention of the gentleman from Michigan. I do not understand why the gentleman should insist upon the use of the words "site acquired," when this is a provision simply and expressly for the taking of the prisoners to a site, unless your mind is upon the site already acquired at Belvoir. Why not strike out "site acquired"?

Mr. TAWNEY. Does the gentleman from Wisconsin mean to say that it is his purpose to acquire no sites whatever for the establishment of a reformatory, either in Maryland or Virginia?

Mr. COOPER of Wisconsin. Not at all.

Mr. TAWNEY. This site acquired hereafter for that institution must be acquired under the limitations of this act outside of the 10-mile zone.

Mr. COOPER of Wisconsin. "Site acquired" and "site to be acquired" are very different—

Mr. MANN. Mr. Chairman, I ask for a vote.

Mr. GARDNER of Michigan. I ask, Mr. Chairman—

Mr. MANN. Mr. Chairman, reserving the right to object, I would like to ask how long this debate is to continue.

Mr. GARDNER of Michigan. One minute.

Mr. MANN. Well, I reserve the right to object until we can have an agreement, but I will object unless we can get a statement of how long a time this is to continue.

Mr. GARDNER of Michigan. Mr. Chairman, I move that all debate close in five minutes.

Mr. MANN. To the amendment and all amendments thereto?

Mr. GARDNER of Michigan. Yes.

Mr. CARLIN. Mr. Chairman, who is to have the five minutes, the gentleman from Michigan?

Mr. GARDNER of Michigan. I only ask for one minute.

Mr. CARLIN. All right, but I want to get in on it.

Mr. MANN. Mr. Chairman, what action was taken on the motion of the gentleman?

Mr. GARDNER of Michigan. Who has the floor, Mr. Chairman?

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. MANN. But the gentleman from Michigan moved that all debate on this amendment and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Michigan moves that all debate on this amendment and amendments thereto close in five minutes.

Mr. CARLIN. Mr. Chairman, that is a motion that is debatable, is it not; is not that motion debatable?

The question was taken, and the motion was agreed to.

Mr. GARDNER of Michigan. Mr. Chairman—

Mr. DOUGLAS. Mr. Chairman, I understand that the gentleman's time has expired, and now I take the floor for my own purpose.

The CHAIRMAN. The time of the gentleman from Michigan had expired.

Mr. DOUGLAS. I just wanted to ask the gentleman one question—

Mr. GARDNER of Michigan. What gentleman?

Mr. DOUGLAS. The gentleman from Michigan—in my own time, and then I will yield to him. What objection can there be to adding, after the word "site" in the third line, this language, and subject, however, to the limitations hereinbefore set forth?—

That no such site for a reformatory shall be within 10 miles of Mount Vernon, in either of the States of Virginia or Maryland.

Mr. MANN. That is subject to the point of order which I would make.

Mr. DOUGLAS. I have not asked the gentleman whether or not he would make it, but I asked the gentleman from Michigan whether he would not accept that, to settle the question.

Mr. MANN. He can not accept it.

Mr. GARDNER of Michigan. We are all of one mind in this matter, and the only thing is to get at it in the right way.

Mr. DOUGLAS. I will yield two minutes to the gentleman from Michigan and one minute to the gentleman from Virginia.

Mr. MANN. The gentleman can not yield time.

Mr. DOUGLAS. I had the floor for five minutes.

The CHAIRMAN. Is there objection to the gentleman from Michigan having two minutes? [After a pause.] The Chair hears none.

Mr. GARDNER of Michigan. I would like to know from the gentleman from Wisconsin and the gentleman from Ohio whether it is not sufficiently clear. I confess I do not like these insinuations from one or two gentlemen that the committee is not dealing squarely, or it is not the purpose to deal squarely, with the House. We are all after the same end. After the word "law" insert this limitation:

And the limitations of this act as to the selection of a site for a reformatory—

So that it would read:

And reformatory in the State of Maryland or Virginia, in accordance with the provisions of existing law and the limitations of this act as to the selection of a site for a reformatory.

It makes it clear and plain that there will be nothing else. With that, Mr. Chairman, I yield the balance of my time to the gentleman from Virginia [Mr. CARLIN].

Mr. CARLIN. Mr. Chairman, it is quite evident to this House that the gentleman does not understand the nature of the amendment which he has offered. In his discretion, he has it appear that the amendment has relation to the purchase of sites, and when he comes to read it it simply refers to the removal of prisons.

Mr. GARDNER of Michigan. Not at all.

Mr. CARLIN. Either the gentleman is mistaken or I am.

Mr. GARDNER of Michigan. You certainly are mistaken.

Mr. CARLIN. I think you certainly are. Now, I am perfectly willing that the workhouse prisoners shall be removed to the workhouse at Occoquan, but I am unwilling that here in a hurried moment any legislation shall be adopted which will nullify the deliberate action of the House recently taken. That is clearly in the amendment of the gentleman from Ohio [Mr. DOUGLAS] and in the amendment I have offered here. There is no nullification. The gentleman's amendment would nullify the previous law of the House. It is my purpose to nullify the reformatory at or near Mount Vernon, and I have no desire to conceal that purpose. This House is not willing that the reformatory shall be located there, and they have so said, and I think the effect of your substitute and amendment is to nullify the action we have taken. Therefore I think the substitute ought to be defeated.

The CHAIRMAN. Does the gentleman from Michigan [Mr. GARDNER] arise to offer an amendment?

Mr. GARDNER of Michigan. To withdraw the former amendment and to offer this as a substitute:

In accordance with the provisions of existing law and the limitations of this act, as to the selection of a site for a reformatory—

Mr. CARLIN. There is no limitation in this act as to the site. The gentleman ought to know that, and when he refers to it he refers to something that does not exist.

Mr. COOPER of Wisconsin. That is wrong, and does not cover it at all.

The CHAIRMAN. The Clerk will report the substitute offered by the gentleman from Michigan [Mr. GARDNER].

The Clerk read as follows:

Insert after the amendment already adopted the following:

"Reformatory and workhouse: For the following purposes in connection with removal of jail and workhouse prisoners from the District of Columbia to the sites acquired or to be acquired for a workhouse and reformatory in the State of Maryland or Virginia, in accordance with the provisions of existing law, and the limitations of this act, as to the selection of a site for a reformatory, including superintendence, custody, clothing, guarding, maintenance, care, and support of said prisoners; subsistence, furniture, and quarters for guards and other employees and inmates; the purchase and maintenance of farm implements, live stock, seeds, and miscellaneous items, tools and equipment; transportation and the means of transportation; the maintenance and operation of the means of transportation; and supplies and personal services, and all other necessary items, \$288,000, of which sum \$91,000 shall be immediately available."

Mr. MANN. Mr. Chairman, I make a point of order on the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MANN. Under the provision of the amendment offered by the gentleman now it assumes that this bill is a law. Otherwise it changes existing law.

Mr. GARDNER of Michigan. It is a limitation.

Mr. MANN. You can not make a limitation depending upon something that is or is not law. Anyone knows that is not law.

The CHAIRMAN. Does the gentleman from Illinois [Mr. MANN] refer to the action taken by the House on last Saturday—the limitation?

Mr. MANN. It says:

In accordance with the provisions of existing law and the limitations of this act.

That is not law. That is providing that a certain thing shall be done in accordance with what? Something that is not law. That is making law, and not only making it, but no one knows what it is. You do not know what these limitations will be when it becomes a law.

The CHAIRMAN. So far as the Chair is able to ascertain, the gentleman from Michigan is simply reiterating in this amendment a limitation which the House has just placed upon other appropriations in this bill. If so, it seems to the Chair that it is not legislation but a limitation on an appropriation bill, and therefore in order. The Chair overrules the point of order, and the question recurs on the amendment of the gentleman from Virginia [Mr. CARLIN] to the original amendment.

Mr. CARLIN. Please have it read as amended.

The CHAIRMAN. Without objection, the Clerk will report the amendment to the amendment.

The Clerk read as follows:

Strike out of the amendment the words in the first line "reformatory and." In the third and fourth lines strike out the words "sites acquired or to be" and insert in place thereof the word "site;" and after the word "workhouse" strike out "and reformatory," so that the amendment will read:

"Workhouse: For the following purposes in connection with removal of jail and workhouse prisoners from the District of Columbia to the site acquired for a workhouse in the State of Maryland or Virginia, in accordance with the provisions of existing law, including superintendence, custody, clothing, guarding, maintenance, care, and support of said prisoners; subsistence, furniture, and quarters for guards and other employees and inmates; the purchase and maintenance of farm implements, live stock, seeds, and miscellaneous items, tools and equipment; transportation and the means of transportation; the maintenance and operation of the means of transportation; and supplies and personal services, and all other necessary items, \$288,000, of which sum \$91,000 shall be immediately available."

Mr. TAWNEY. Mr. Chairman, I desire to make a statement in regard to the effect of this amendment.

Mr. DOUGLAS. Regular order!

The CHAIRMAN. Debate is exhausted. The regular order is demanded. The vote is first upon the amendment offered by the gentleman from Virginia to the amendment.

The question being taken, the Chair announced that he was in doubt; and on a division there were—ayes 46, noes 42.

Mr. GARDNER of Michigan. Tellers!

Tellers were ordered, and the Chairman appointed Mr. GARDNER of Michigan and Mr. CARLIN.

The committee again divided; and the tellers reported—ayes 88, noes 61.

Accordingly the amendment to the amendment was agreed to.

The CHAIRMAN. The question recurs on the substitute offered by the gentleman from Michigan [Mr. GARDNER].

The question being taken, on a division (demanded by Mr. CARLIN) there were—ayes 53, noes 55.

Mr. GARDNER of Michigan. I will ask for tellers on that. It means no money to the institution.

Mr. DOUGLAS. Oh, no; it does not.

The CHAIRMAN. The gentleman from Michigan demands tellers.

Mr. CULLOP. A point of order, Mr. Chairman, that the demand comes too late, as the result has been announced.

The CHAIRMAN. The result has not been announced. As many as are in favor of ordering tellers will rise and remain standing until counted.

Mr. GARDNER of Michigan. I withdraw the demand, Mr. Chairman.

The CHAIRMAN. On this question the ayes are 53, the noes are 55, and the amendment is rejected. The question is on the amendment as amended.

The question being taken, the amendment as amended was agreed to.

Mr. BENNET of New York. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 121, after line 8, insert a new paragraph to read:

"That the Speaker of the House of Representatives in the Sixty-second Congress may appoint or the said House may elect a committee of five members to investigate any charges made against or affecting the Commissioners of the District of Columbia."

Mr. MANN. I make the point of order that the amendment has already been read far enough to show that it is legislation.

The CHAIRMAN. The Chair agrees with the gentleman from Illinois that it has been read far enough to indicate that it is legislation.

Mr. BENNET of New York. Will the gentleman reserve his point?

Mr. MANN. No; I make it.

Mr. GARDNER of Michigan. Will the Chair rule?

The CHAIRMAN. The Chair sustains the point of order.

Mr. GARDNER of Michigan. I move that the committee do now rise and report the bill and the amendments to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 31856, the District of Columbia appropriation bill, and had directed him to report the same to the House with sundry amendments, and with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the vote will be taken on the amendments in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. GILLET. Mr. Speaker, I ask unanimous consent to take the legislative appropriation bill from the Speaker's desk and that the House disagree to all the amendments adopted by the Senate and ask for a conference.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to take the legislative appropriation bill from the Speaker's table, disagree to the Senate amendments, and ask for a conference.

Mr. MACON. Reserving the right to object, I would like to ask the gentleman in charge of the bill—

Mr. FOSTER of Illinois. I object.

The SPEAKER. The gentleman from Illinois objects.

TARIFF BOARD.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report (No. 2018) from the Committee on Rules on House resolution 930.

The Clerk read as follows:

Resolved, That immediately on the adoption of this rule the House shall proceed to consider House bill 32010, a bill to create a tariff board.

Mr. DALZELL. Mr. Speaker, the purpose of this rule is to bring before the House the bill reported by the Committee on Ways and Means, "A bill creating a tariff board." It is a very simple rule; it does not provide for any time for debate and places no restriction on amendment, but leaves the bill to be disposed of under the rules of the House.

The tariff act of August, 1909, for the first time in our history, provided for a maximum and minimum tariff, and left the administration of the tariff, as to its maximum and minimum provisions, in the hands of the President of the United States. The law contained this provision:

To secure information to assist the President in the discharge of the duties imposed upon him by this section—

That is, the maximum and minimum clause—

and officers of the Government in the administration of the customs laws, the President is hereby authorized to employ such persons as may be required.

The sundry civil bill of last year contained a provision identical in terms with this provision in the tariff bill, and appropriated for the purpose of enabling the President to secure information to carry out the provisions of the maximum and minimum clause the sum of \$240,000.

Subsequent to that time the President secured the assistance of three persons, who organized as a bureau, and have been known for a considerable time as the Tariff Board. Outside of the provisions of the tariff law and the provisions of the sundry civil bill there is no specification of the duties of that board.

The chairman of that board, however, Mr. Henry C. Emery, made a speech before the Association of Commerce at Chicago December 3, 1910, in which he defined what the board supposed to be its powers and duties, and I desire to call the attention of the House to that definition. He said:

The board was appointed in September, 1909, and held its meeting on the 24th of that month. It had already been a subject of debate as to what authority the board had under this section (sec. 2 of the Payne law) to make investigations into the effect of our home tariff and the cost of production at home and abroad. This question, however, did not concern us at the outset, as we were directed to cooperate with the Department of State both in investigating the question of discrimination on the part of foreign countries and in the arduous negotiations which followed, aiming at the removal of such discriminations where they existed. This work required the whole time of the tariff board and its assistants until the 1st of April, by which time, fortunately, proclamations had been issued in favor of all countries, and all threatened tariff wars were averted.

So that up to the 1st of April the Tariff Board, so called, have completed the duties that were imposed upon it by the second

section of the Payne Tariff Act. As to their duties outside of that Mr. Emery said:

Our work is divided into three main groups:

First. We intend to secure as to each article in the tariff concise information, some of which is easily available and can be quickly tabulated, regarding the nature of the article, the chief sources of supply at home and abroad, the methods of its production, its chief uses, statistics of production, imports, and exports, with an estimate of the ad valorem equivalent for all specific duties. This is what the President meant by "translating the tariff into English." We consider this work of great importance, even if we were to go no further. To use the President's phrase again, we shall prepare for publication a "glossary of the tariff," article by article. By consulting this glossary anyone who now reads a complicated schedule without understanding at all what it means will be able to learn the leading technical and commercial facts regarding the article, put in simple language. He will be able to know how the home production compares with that abroad and what is the actual duty expressed in ad valorem terms. This work is now well under way.

Second. We are making an inquiry into actual costs of production. The practical limits of such an inquiry, and the difficulties with which it is surrounded, will be referred to later on.

Third. We are employing men of experience from particular lines of industry, both on the technical and the commercial side, to secure accurate information regarding actual prices at home and abroad, the peculiar local conditions affecting any particular industry, and the general conditions of home and foreign competition to which it is subject.

The first part of the work is in the hands of an office force made up of men trained to statistical and economic investigations, assisted by technical experts in different lines of industry.

In other words, the chairman of the board defines as duties of the board, speaking in a general way, the ascertainment of the difference in the cost of production at home and abroad; and, secondly, the ascertainment of prices, at home and abroad and their relation to local conditions.

When the President sent his message to Congress at the beginning of the session he asked for a continuance of this board. He desired to have the board made permanent. Up to this time its existence depended entirely upon the provisions in the sundry civil bill of last year. In the meantime a public sentiment has been created through the newspapers and magazines, and through, at least, two separate conventions, calling for the creation of what was termed a tariff commission. Undoubtedly the aim of the parties to those two conventions was in large part the creation of a body that should make a tariff bill outside of Congress. In other words, two separate purposes were in the minds of the people who attended those conventions, one to create this independent commission outside of Congress, and the other to create a board which should be merely statistical and the object of which would be to furnish to the President and to Congress, when called upon, figures in connection with the making of a tariff law.

There has been a number of bills introduced and sent to the Committee on Ways and Means on this subject. After considerable deliberation the different bills were reconciled and there was reported a compromise measure to the House. That is the bill that is now here for consideration. This bill creates a board consisting of five members, three of whom shall constitute a quorum, and no more than three of whom shall be of one political party. The members of this board are to be appointed by the President of the United States. In the first instance those appointed are to continue in office from the time of their appointment two, three, four, five, and six years, but at the expiration of their respective terms are to be appointed for six years. This provision was intended, of course, as is apparent, so that all of the members of the board should not retire at the same time. The salary provided in the bill is, for the chairman of the board \$7,500 per annum and for the other members of the board \$7,000 per annum. The board is to have its chief office in the city of Washington, but is permitted to make investigations and pursue its studies elsewhere, either in this country or abroad. Its duties are covered substantially by what I have outlined—the ascertainment of the difference in the cost of production of articles at home and abroad and the ascertainment of differences in prices. I think perhaps it would be well to read at this point what the duties of the board are:

Sec. 3. That it shall be the duty of said board to investigate the cost of production of all articles which by any act of Congress now in force or hereafter enacted are made the subject of tariff legislation, with special reference to the prices paid domestic and foreign labor and the prices paid for raw materials, whether domestic or imported, entering into manufactured articles, producers' prices and retail prices of commodities, whether domestic or imported, the condition of domestic and foreign markets affecting the American products, including detailed information with respect thereto, together with all other facts which may be necessary or convenient in fixing import duties or in aiding the President and other officers of the Government in the administration of the customs laws, and said board shall also make investigation of any such subject whenever directed by either House of Congress.

This board is to report to the President or to Congress upon the call of either House of Congress. There are no stated periods provided for in which it is to report, but whenever

called upon by either Executive or Congress. The board is given power to subpoena witnesses and call for the production of books, with a provision that in case of the failure of parties summoned to answer, report of that fact, together with the names of the parties refusing, shall be made to Congress. There is a provision that any information gained by this board, confidential in its nature, shall be protected. The board shall not be compelled to disclose the names of the parties who give the information. That substantially covers the provisions of the bill.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. DALZELL. Certainly.

Mr. FITZGERALD. The gentleman said this rule places no limitation upon the debate or upon the opportunity for amendment.

Mr. DALZELL. I did so say.

Mr. FITZGERALD. Under this rule, if it be adopted, the bill is made a special order and is considered in the House. There is no provision that it shall be considered in the Committee of the Whole, which would enable the gentleman who calls the bill up to move the previous question without giving an opportunity to have the bill read for amendment.

Mr. DALZELL. Oh, no; I think this rule provides that this bill shall be considered under the rules of the House. If the bill is of a character that requires consideration in Committee of the Whole it will go there.

Mr. FITZGERALD. But the gentleman is mistaken. Under the precedents, if this bill be made a special order it obviates the necessity of considering it in Committee of the Whole. We have just looked that up carefully, and find that the precedents are all that way. If the gentleman shall provide in his rule that it shall be considered in Committee of the Whole there will be no trouble, or if he shall state that it shall be considered in the House as in Committee of the Whole, there will be no trouble. But the precedents are unquestionably to the effect—

Mr. PAYNE. I suggest to the gentleman I am perfectly willing that it should be ordered by unanimous consent that the bill be considered in the House as in Committee of the Whole House.

Mr. MANN. Of course the gentleman understands that would limit debate under the five-minute rule to five minutes for any Member except by unanimous consent.

Mr. PAYNE. Yes.

Mr. CLARK of Missouri. Then let us go into the Committee of the Whole House sure enough.

Mr. FITZGERALD. I believe the gentleman can get an agreement by unanimous consent that the House shall at once consider this bill in Committee of the Whole House and fix a time for whatever general debate there may be, but the precedent is unquestionably that this order is—

Mr. PAYNE. The gentleman's proposition is that the bill be considered in the House as in the Committee of the Whole House.

Mr. HUGHES of New Jersey. That we go into the Committee of the Whole House on the state of the Union for the consideration of the bill, with an agreement for debate, right now.

Mr. PAYNE. I did not understand the full suggestion of my colleague; perhaps if I did I might agree with him.

Mr. HUGHES of New Jersey. The suggestion is to go into the Committee of the Whole House for the consideration of the bill now.

Mr. PAYNE. If we can fix a time for general debate.

Mr. MANN. How much time would be required for general debate?

Mr. CLARK of Missouri. It ought to be about an hour and a half or two hours on a side.

Mr. PAYNE. An hour on a side, I would suggest. Two hours will be a pretty long time for general debate.

Mr. DALZELL. I would say, Mr. Speaker, this bill is reported unanimously from the Committee on Ways and Means.

Mr. CLARK of Missouri. I do not think anybody wants to make a long speech, but a good many want to make short speeches, and if there is not going to be pressure about trying to cut off Members under the five-minute rule—

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that the bill may be considered in the Committee of the Whole House on the state of the Union and that an hour and a half be allowed for general debate.

Mr. HARRISON. Do I understand the gentleman to mean that we are to have an hour on a side, because I have already requests from seven gentlemen who wish to speak against the bill on this side of the House.

Mr. PAYNE. Why, did not the gentleman vote for the bill in the committee?

Mr. NORRIS. Did the gentleman propose to give an hour and a half to a side?

Mr. PAYNE. No; I meant three-quarters of an hour.

Mr. CLARK of Missouri. Make it an hour on a side.

Mr. PAYNE. I will not object to making it an hour on a side.

Mr. MANN. The gentlemen will get time under the five-minute rule.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that the rule be modified and that the bill be considered—

Mr. DALZELL. Mr. Speaker, I do not think there is a necessity for modifying the rule. It can be disposed of and we can then have an agreement as to time.

Mr. PAYNE. That is substantially what I was going to ask, that the bill be taken up at once and be considered in the Committee of the Whole House on the state of the Union, and that general debate be limited to two hours, an hour upon this side, to be controlled by myself, and an hour upon the other side, to be controlled by some gentleman opposed to the bill—perhaps my colleague from New York [Mr. FITZGERALD].

Mr. CLARK of Missouri. Make it an hour and a half on a side and I think we will get along better.

Mr. MANN. There will be plenty of time under the five-minute rule.

Mr. CLARK of Missouri. I understand that.

Mr. PAYNE. Mr. Speaker, do I understand the gentleman from Missouri now wants to amend that?

Mr. CLARK of Missouri. I do; giving an hour and a half on each side, which is just as broad as it is long; for, if a man talks in general debate, he will not want to talk under the five-minute rule. It is just so many wanting to talk, anyhow.

Mr. PAYNE. Two hours on a side is liberal; and, Mr. Speaker, that is my proposition. The only real debate on the bill will be under the five-minute rule.

Several gentlemen addressed the Chair.

The SPEAKER. To whom does the gentleman from Pennsylvania yield? The gentleman does not yield to anybody.

Mr. HARRISON. Mr. Speaker, withholding the right to object, I want to ask if the gentleman from Pennsylvania [Mr. DALZELL] will not include in that request permission to all gentlemen who so desire to print their remarks in the RECORD for five days after to-day.

Mr. DALZELL. I have no objection to that, Mr. Speaker, so far as I am concerned. I do not see any reason for modification of this rule. The rule provides that this bill shall be taken up and, of course, when a bill is taken up, it is considered under the rules of the House. If this bill belongs on the Union Calendar, we will go into Committee of the Whole.

Mr. FITZGERALD. The gentleman is mistaken. There are a number of decisions to the effect that that would not be the case.

Mr. MANN. The ruling has been under a rule like this, stating that the House shall proceed to the consideration of a bill, that it means the House, and that is to discharge the Committee of the Whole House on the state of the Union.

Mr. FITZGERALD. There is no trouble about our making an arrangement for unanimous consent. Nobody objects to taking up the bill, as I understand it.

Mr. MANN. I do not see any objection to arranging for an hour and a half now and agreeing to general debate.

Mr. DALZELL. And not have any vote on the rule at all?

Mr. MANN. Not having any vote on the rule at all.

Mr. PAYNE. I do not see any reason for more than half an hour of debate on a side.

Mr. MANN. I agree with the gentleman from New York.

Mr. PAYNE. I would suggest to my friend from Missouri [Mr. CLARK] that we agree to take an hour on a side instead of considering it under the rules of the House in the House.

Mr. HARRISON. Does the gentleman from New York [Mr. PAYNE] mean by that that the hour is to be controlled by some one in favor, and, on the other side, by some one opposed to the bill?

Mr. PAYNE. I started to make that motion, but some gentleman objected to it. I did mean that; yes.

Mr. HUGHES of New Jersey. There was no objection over here.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent that we proceed to the consideration of this bill, have general debate for two hours, an hour on either side, and that all Members have leave to print for five days on the bill.

Mr. HARRISON. And the hour on this side of the House to be controlled by somebody opposed to the bill.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] asks unanimous consent that the House proceed to the consideration of this bill as in Committee of the Whole House—

Mr. DALZELL. To discharge the Committee of the Whole.
Mr. MANN. Discharge the Committee of the Whole.

Mr. DALZELL. Mr. Speaker, I will modify my request to consider the bill in the Committee of the Whole; have general debate of an hour on either side, the time to be controlled by the gentleman from New York [Mr. PAYNE], representing the bill, and by some party in opposition.

Mr. HARRISON. I am opposed to the bill, Mr. Speaker.

Mr. CLARK of Missouri. That is not fair, because there are five of the Democratic members of the committee who are in favor of the bill.

Mr. SHACKLEFORD. How are those opposed to it going to get the time?

Mr. CLARK of Missouri. They are entitled to have part of the time, but they are not entitled to have all the time.

Mr. PAYNE. I hope the gentlemen on the other side, whoever they are, can get together and agree on some one in whom they have confidence, and divide up their time.

Mr. CLARK of Missouri. Now, a little more of that kind of talk and your bill is gone; that is all there is to it. [Applause on the Democratic side.]

Mr. HARRISON. Mr. Speaker, unless the gentleman from Pennsylvania—

The SPEAKER. To whom does the gentleman from Pennsylvania [Mr. DALZELL] yield, if to anybody?

Mr. DALZELL. Mr. Speaker, I have said all that I care to say about this bill on my motion to pass the rule, and I would like to know if there is any gentleman on the other side who desires to occupy time now in a discussion of the rule?

Mr. FITZGERALD. Yes; I do.

Mr. DALZELL. How much time does the gentleman want?

Mr. FITZGERALD. How much is the gentleman going to yield?

Mr. DALZELL. How much time have I consumed, Mr. Speaker?

The SPEAKER. The gentleman has consumed 17 minutes.

Mr. DALZELL. Mr. Speaker, I yield 17 minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, I ask the gentleman from Pennsylvania to give this side at least 20 minutes, and to yield the time to the gentleman from Missouri [Mr. CLARK].

Mr. DALZELL. I yield 20 minutes.

Mr. CLARK of Missouri. I will take 10 minutes of it, Mr. Speaker.

The SPEAKER. Does the gentleman desire to be notified at the end of 10 minutes?

Mr. CLARK of Missouri. Yes.

The SPEAKER. The gentleman from Missouri.

Mr. CLARK of Missouri. Mr. Speaker, for some time, I do not know how long, there has been a proposition pending in the United States, in a sort of nebulous way, for a tariff commission; that is, a body intended to fix rates or even to suggest rates. I was opposed to that last year and I am opposed to that this year, because it is idiotic. It is idiotic, because the Constitution of the United States absolutely precludes such a performance. The Constitution lays upon the Congress the duty of passing revenue bills and lays upon the House the duty of originating them. This duty can not be delegated to a commission.

There is pending here now a proposition to establish a tariff board, which is to have certain specified functions. Those functions are to gather information and collate it. Last year the proposition concerning a similar board was that it should report to the President of the United States. I stated then, and I voiced the sentiments of a good many people, that the Democrats did not object to information from any source on the tariff question or any other question, and that if we were going to have a tariff board it ought to be made to report to the House. I do not know that it would do very much good. I do not believe it would do very much harm, if any. The demand for such a board is insistent and increasing. In fact, it is widespread and, in my judgment, should be heeded. It may turn out to be a valuable adjunct to Congress or it may turn out to be worthless. If the latter, it can be abolished.

The proposition for a tariff board has been so amended in this pending bill that the board shall report to the Senate or report to the President or report to the House. On the motion of the Democrats in the committee, it was fixed so that the House shall be able to select the subjects which this board shall investigate. That makes an entirely different situation. I voted for this bill in the committee; I am going to vote for it here. Of course there is no use to conceal what the condition is. We Democrats will have the House after the 4th of March, and we propose to carry out in good faith the promise to revise

the tariff down, and we are going to do it just as soon as we can. [Applause on the Democratic side.]

Personally, I would like very well to see an extra session of Congress, but there is only one man on the face of the earth who can call an extra session of Congress, and that is the President. Some newspaper man asked me about it a week or two ago, and I told him it was a waste of breath to talk about it, because nobody except the President could call it. Thereupon certain papers said that I am opposed to an extra session, which was maliciously untrue. If the evening papers are to be believed, the President is going to call an extra session unless he gets his reciprocity scheme through this Congress. He has adopted one more Democratic principle. Give him time enough and he will adopt them all. [Applause on the Democratic side.] While he is urging a reciprocity treaty with Canada—and I am heartily in favor of that—I wish he would extend its operations so as to take in our sister Republics on the south, every one of them in the Western Hemisphere. [Applause.] We ought to have the lion's share of all the trade with all the countries in the western world. What we need most is a wider market for American products, and that is what Democrats will try to secure. In this laudable undertaking we invoke the aid of all American citizens.

If the old Tariff Board has ever got any information it has kept it locked up in its own breast or communicated it to the President and he has locked it up. My judgment is, just guessing it off from what I know about him, that if the Democratic Ways and Means Committee, which has already been selected—that is, the Democratic part of it—should ask the President to have that board communicate to it any facts that it has picked up he would order it done, whether there is an extra session or whether there is not. The old board is not a bipartisan board. The new board is to be a bipartisan board. I use the word "bipartisan" advisedly. Such a thing as a "nonpartisan" board is an impossibility in nature, and if the word "nonpartisan" is in this bill I will move to strike it out. I wish we could fix it so there would be three Democrats and two Republicans on that board at once, but that we can not have; but on the 4th of March, 1913, we can get three Democrats and two Republicans, and that is the way this board will then stand. [Applause on the Democratic side.]

We are not afraid of information from any source. We welcome it. I think I am at liberty to say that it takes a vast amount of information to get up a tariff bill which anybody of good sense is willing to stand on in the days to come.

I am not at all enthusiastic about the proposition to have any sort of a board. I think if you have the right kind of experts on your tariff board they can be of a great deal of service to the Ways and Means Committee in formulating a tariff bill, and if the President will appoint five of the best men he can find I think that it will be able to collect a great deal of information. But I want this understanding, that if he appoints two Democrats, I want them to be Democrats in fact as well as in name. [Applause on the Democratic side.] That is fair; that is just; that is proper.

Mr. RUCKER of Missouri. Will the gentleman yield?

Mr. CLARK of Missouri. I will yield to the gentleman.

Mr. RUCKER of Missouri. In that connection, how are you going to get him to do it?

Mr. CLARK of Missouri. I think he is a fair-minded man, and he will do it. I think he will need us frequently to pass bills in a very short time, and he is liable to give us good Democrats this time.

Mr. RUCKER of Missouri. Does the gentleman from Missouri think that we will need any experts that the President may appoint to aid us in making a Democratic tariff?

Mr. CLARK of Missouri. Information is information, wherever it comes from.

Mr. RUCKER of Missouri. How long will it take the board appointed by the President to accumulate the information necessary to construct a tariff bill?

Mr. CLARK of Missouri. I do not know.

Mr. RUCKER of Missouri. Does the gentleman think we are going to sit idly by while this commission appointed by the President collects information for the Democrats elected to perform their duties?

Mr. CLARK of Missouri. Not at all. As far as I am concerned, I am willing to take the Ways and Means Committee as at present selected and go into a room and frame two new schedules before Saturday night. [Applause on the Democratic side.] I think we could frame two schedules with a good deal of intelligence. Perhaps more than two.

Mr. RUCKER of Missouri. Better than the one we have got now?

Mr. CLARK of Missouri. Certainly we could; but even we would be better off if we had more information, no question about that.

Mr. DAWSON. Will the gentleman yield?

Mr. CLARK of Missouri. I will yield to the gentleman.

Mr. DAWSON. Do I understand that the Speaker is to sit with the Ways and Means Committee in the next House?

Mr. CLARK of Missouri. No; but the Speaker will sit with the committee if the committee invites him to sit with it. I never had any information I was not willing to give to others, if they needed it. If they have any need of anything and they want me to come in they can have it. Speakers have sat with the Ways and Means Committee in days gone by—

Mr. HUGHES of New Jersey. And not long ago, either.

Mr. HITCHCOCK. Will the gentleman from Missouri yield?

Mr. CLARK of Missouri. Certainly.

Mr. HITCHCOCK. Mr. Speaker, I call the attention of the gentleman from Missouri to section 7 in this bill, which provides that said board, composed of three Republicans and two Democrats, shall submit the results of its investigation, together with any explanatory report. I should like to ask him whether he does not think the minority members of that board should have the right to submit a report. Otherwise it will be absolutely controlled by the Republican members of the board.

Mr. CLARK of Missouri. Undoubtedly; and I believe, under any parliamentary procedure known among men, that the minority of the committee have a right to file a minority report; but if there is any doubt about that I am in favor of putting that in the bill. I will tell you another thing I am in favor of putting in, and that is to strike out the words "conclusions or results" and substitute the word "facts." Nobody cares three straws about the opinion of that board. What we want is facts on which to base conclusions.

Mr. MANN. That is what the bill provides for.

Mr. CLARK of Missouri. That is all I have to say, except this further statement, that there is no politics in this matter. It is not a political performance, and as far as I am individually concerned every gentleman has a perfect right to vote as he pleases. I have stated how I am going to vote. I now yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, I am opposed to this rule, because it will not permit either debate or consideration of the bill proposed to be brought up. The precedents are well settled that this bill will be called up in the House and, without being read for amendment, the previous question can be moved and ordered, and no opportunity to consider the bill given whatever. I am not only opposed to the rule, but I am opposed to the bill. I do not believe that it is intended to help the Democratic Party, but that it is intended to embarrass the Democratic Party in carrying out the will of the people in the next Congress. [Applause.]

In his Winona speech President Taft said that in his opinion it would take until the end of his administration for the Tariff Board to develop facts which would justify a revision of the tariff; and as it is that board which is being created in this bill we can not, in my opinion, vote for it without at least giving the board a fair opportunity, which its author says it needs in order to do its work.

There is a so-called tariff board to-day existing in express violation of law, and, with the permission of the House, I shall insert the so-called anticommision, antiboard provision which was passed upon the motion of the gentleman from Minnesota [Mr. TAWNEY].

The provision is contained in volume 35, Statutes at Large, page 1027, and is as follows:

That hereafter no part of the public moneys, or of any appropriation heretofore or hereafter made by Congress, shall be used for the payment of compensation or expenses of any commission, council, board, or other similar body, or any members thereof, or for expenses in connection with any work or the results of any work or action of any commission, council, board, or other similar body, unless the creation of the same shall be or shall have been authorized by law; nor shall there be employed by detail, hereafter or heretofore made, or otherwise personal services from any executive department or other Government establishment in connection with any such commission, council, board, or other similar body.

The President said that he construed the Payne-Aldrich Tariff Act to give him authority to appoint a tariff board, but one of the parents or putative authors of that bill [Mr. PAYNE], in his report upon this very bill, states that this so-called tariff board is existing by virtue of a provision in the last sundry civil appropriation act.

There are some of us of sufficiently keen memory to recall that, although it was expressly desired and vigorous efforts were made to create a tariff board when the sundry civil bill was under consideration, no more authority was given than was

given in the Payne Act—authority to employ persons to assist the President in obtaining information to enforce the maximum and minimum provisions of the law. I do not profess to be an expert upon the tariff, but I do know and I believe that the country is convinced that any man of ordinary intelligence has all of the information necessary to make radical changes in practically all of the schedules of the present infamous law. Why should we authorize a commission which has at its disposal for the present year \$250,000, and which is asking Congress to appropriate \$400,000 additional at this session, not to be expended during the next fiscal year but to be expended during the next two fiscal years, because perchance they might not get the desired appropriations when the Democratic House is in power? This bill contains a provision which permits the expenditure of a great portion of the moneys desired without any control whatever by Congress, without any control whatever by the auditing officers of the Government, but which places the moneys appropriated at the disposal of the board to expend as they please. I know of only two other appropriations which are authorized and which can be expended in this manner—one the appropriation for the President's traveling expenses and another an appropriation for certain secret information obtained through the State Department. Yet this so-called tariff board, this so-called "bunco" board, as the gentleman from Massachusetts, Mr. Foss, described it in his speech in the last session, is to be given authority to employ all of the persons it deems necessary without control by Congress, to fix their compensation as it pleases, and to have certain expenditures paid upon itemized vouchers approved alone by the chairman of the commission.

I have a great deal of confidence in Presidents of the United States, but when one of them has put so preposterous a construction upon the language of the Payne-Aldrich Tariff Act as to justify his appointment of a board in violation of law I am not willing either to permit him to appoint a so-called bipartisan tariff board or by vote to legalize and justify his heretofore illegal action. [Applause on the Democratic side.]

I wish to say further, Mr. Speaker, that a number of persons have urged me to support a bill creating a tariff board, a tariff commission, or some other kind of machinery, and every one of these advocates of such legislation is either a man who is a Republican and believes in a high protective tariff or he is one of those eminent citizens who have been masquerading most of their lives as Democrats but voting the Republican ticket in the national campaigns. Not one of them is in favor of the Democratic policy of a tariff for revenue, but he is in favor of such a tariff as will protect the particular industry in which he is interested. I am opposed to putting in the hands of such men a club to be used over the heads of every one who disagrees with the protective tariff and to enable sentiment to be manufactured in favor of high and unjust tariff rates, which work out to the injustice of the great majority of the American people. [Applause on Democratic side.]

Mr. CULLOP. Mr. Speaker, I am opposed to this bill and every provision contained in it, because it violates a well-established and venerated principle in the doctrine of the Democratic Party. [Applause.]

I am as much opposed to a government by commission as I am opposed to a government by injunction. Both are inimical to the underlying principles of the Republic and a menace to its perpetuity. True, the name given in this bill is a tariff board, but the duties prescribed are those of a commission. Call it by any alias you may, galvanize it as you will, the fact remains that under the provisions of the bill, if enacted, a permanent tariff commission is created.

"A rose by any other name smells just as sweet." The name given it does not change its character or affect its purpose. In order that its true purpose may be fully understood, I desire to call attention to its provisions as contained in its several sections, analyze them, and point out my objections thereto.

Section 1 provides that after July 1, 1911, a tariff board shall be appointed by the President, consisting of five members, fixing their terms of office at six years, with the salary of each at \$7,000 per year, except the chairman, who is to receive a salary of \$7,500 per year. It authorizes the board to select a secretary, fix his salary, and also to appoint as many employees as it deems necessary for the discharge of its duties and fix their compensation.

This section creates a permanent tariff board, which will cost the people of this country not less than \$300,000 per year. It places no limitation on the number of employees it may appoint nor the compensation they may receive. It opens the doors of the Public Treasury to this board, with no restriction upon the amount it may expend or the salaries it may pay its assistants, which is a bad feature of the bill and one open to serious

objection. It provides the President shall not appoint more than three members from any political party. It does not require the President to appoint any member of the board from the Democratic Party, the party now charged with the duty of revising the tariff. This feature of the measure is especially objectionable, for the reason the party charged with framing a revenue measure should have representation on it.

Section 2 provides the principal office of the board shall be in Washington City, but it shall have authority for the whole board, or any part thereof, or its employees, to conduct investigations at any place, either in this or foreign countries, and all expenses to be paid by the Government. It also provides for the payment of witnesses who may be called before it. No law passed by Congress can give jurisdiction to any board or court in foreign countries, and no witness there could be forced to attend and testify. Laws of one country have no extraterritorial character or force. On this subject it is a dead letter and can serve no good purpose. This section gives unlimited opportunities for raids on the Public Treasury to pay for junketing trips all over the world.

Section 3 provides the duties of the tariff board to be to investigate the cost of production of all articles which are made the subject of tariff legislation, with special reference to price paid foreign and domestic labor, the prices paid for raw materials, whether domestic or imported; retailer's price for commodities, both imported and domestic; the condition of domestic and foreign markets affecting American products, including detailed information with respect thereto, together with all other facts which may be necessary or convenient in fixing import duties or in aiding the President and other officers of the Government in administering the customs laws, and said board shall make investigation of any such subject whenever directed by either House of Congress.

Our consuls can perform every service here required of the board in foreign countries. The board would have no legal right to do there more than consuls can now do.

The Ways and Means Committee can have hearings and obtain all the information the board could obtain in this country. It can at all times gather information from the Treasury Department and the Department of Commerce and Labor on prices of labor and revenues, production and consumption, the amount of raw materials and cost of same. The Department of Commerce and Labor was created for this purpose, with ample powers conferred by law to acquire all the information it is proposed to create this board for. It is supplied with every facility for that purpose, and does do it. Hence the creation of this board for any such purpose is useless.

There is not a thing provided for in section 3 which can not now be secured under existing laws by officers already clothed with ample powers, fully as strict as the provisions of this bill if enacted into law. The closing part of section 3 provides upon request of either House of Congress it "shall make investigations of any subject whenever directed by either House."

This only provides it shall make investigations, but it does not provide it shall report the same to either branch of Congress for its use.

The board, if this bill passes, is not created until July, 1911. At that time Congress will not be in session and will not convene until the first Monday in December, 1911; it will not therefore, for said reason, be in a position to direct the board to investigate any tariff schedule until after it convenes and passes a resolution to that effect. The proposed new tariff bill is, under present arrangements, to be prepared, ready for introduction at the convening of Congress on the first Monday in next December, and hence it can not be of any assistance in the preparation of it, and the argument made here that we should vote for it for this purpose is without merit and not sound. Again, if such reason should prevail, in order to use this board for that specific purpose for the next nine months, we would saddle on the people of this country a tariff board for all time to come, a policy which could not be defended and would call forth reproof upon our action. This we should not invite; this we should avoid.

Section 4 relates to the administrative duty of the President in executing the customs laws, and is practically the same as is now contained in the Payne bill, against which nearly every Democrat in the House voted.

Section 5 relates to the administrative powers and duties of the board in executing the law creating it. In case of a refusal of any party called as a witness or otherwise to comply with any order of the board no penalty is fixed other than if the board deem it advisable it may report the fact to Congress, but it is not required to do so. It is inherently weak in this particular, and noneffective. If it did make such a report con-

cerning the refusal of any party to appear and divulge facts at any hearing in a foreign country, what purpose would it serve? Congress would have no jurisdiction over the party or the subject matter to compel obedience to the process issued. Suppose the board does not elect to report to Congress, then it has no power to compel such a report under this section.

Section 6 provides the board may make investigations for its confidential use, and the board shall not be required to divulge the same and the information it thus acquires shall not be made public nor the source from whence obtained.

This section nullifies practically the purpose for which it is claimed the board is created, and lodges such power in the board, which, if so disposed, it can escape reports to Congress and evade usefulness. It can take shelter behind this provision and defy Congress.

Section 7 prescribes what the board shall do after it has investigated, as follows:

That said board shall submit the result of its investigations, together with any explanatory report of the facts so ascertained, to the President or either House of Congress when called upon by either.

This provision is obnoxious for two very apparent reasons, viz, it is only required to report the result—the opinion of the board—and not the facts ascertained. A protection board could find the result of its work to be for the protective policy; a revenue constituted board could find the result for a revenue policy.

It can under this provision explain the facts it collected in favor of either party it desires at its pleasure and as its inclination may prompt. It is the sole arbiter on this question, and no power can require it to do otherwise, because it is so constituted by law under this provision that it can do as it pleases. It is clothed here with a discretionary power which no order can divest it of; and should it fail to come to a conclusion, like a judge or jury, no power can compel it to do so. This provision nullifies the utility of the measure. Instead of submitting the matter collected by it to Congress, it is not required to do so, but is only required to report what it construes the result to be of its investigations; a fair illustration of what a government by commission means.

This section is the real joker in the bill, when it is construed with section 6, as it must be under the rule of statutory construction, because when the board desires to withhold information it can "deem it advisable to have been obtained for confidential use," and that is the end of the matter. This discretionary power lodged in the board by this act is controlling and no power can overcome it or require it to do otherwise.

The effect of this provision would be to delegate a function of government lodged in the House of Representatives to a commission or board unknown to the Constitution and unthought of by the fathers who drafted our fundamental law.

Section 8 provides upon the taking of effect of this act the present Tariff Board shall turn over all its books and papers to the new board created by this act. If this bill should become a law it will practically transfer from this House to this commission a constitutional duty.

The Constitution confers solely upon the House of Representatives the duty of originating bills for revenue. That was so carefully guarded in our fundamental law that it was lodged nowhere else in all the departments of Government. That duty should not be evaded or its responsibility shifted, but, on the contrary, it should be zealously guarded, and any attempt to surrender this great function of government should be resisted and defeated.

The people selected a commission last November to revise the tariff. They selected the commission delegated with that power under the Constitution, and we should see that that power is not transferred to any other body not provided for in the fundamental law of our Government. The transfer of this duty would be a confession to the world that we felt ourselves unable to perform the duties for which we were selected and an attempt to evade the responsibility we have assumed.

If this measure should become a law, it will practically transfer from this House to the commission it creates a constitutional duty, one of the most important of all duties, that of framing the new tariff bill. The Constitution confers upon the House of Representatives the duty of originating all revenue measures, a duty of vast importance to the people of the Republic. The duty of delegating this power to any other body is nowhere mentioned in that great instrument, and it is therefore clear that for this reason its authors never contemplated the transfer of this important power.

This provision was so carefully guarded in our fundamental law that no other department of government was authorized in either expressed or implied terms to perform this function in the event the body to which this power is delegated failed

to discharge this duty. By this act it is sought to do by indirection what every man here confesses can not be done by direction. Shall constitutional duties be evaded in this manner and our system of government changed by such an innovation of fundamental requirements? For one I shall protest against it and do what I can to maintain both in spirit and in letter the original intention of our national founders.

Three departments of government, are created by the Constitution—executive, legislative, and judicial—and in the legislative the power to originate revenue bills is exclusively lodged in the House of Representatives, and no provision is made in the Constitution for the transfer of this delegated power, and by circumvention we should not attempt to do it now. The powers thus created by this great charter of human liberty has, throughout our national history, proved adequate in every crisis our Government has undergone, and has demonstrated its ability to meet every emergency which thus far has arisen. The autonomy of these separate departments of government created by the Constitution has fulfilled every requirement throughout our national history, and no imperative demand now exists for striking down or transferring any of the powers therein created. Against any effort as is here proposed I am unalterably opposed. It is only another effort to centralize power in the Executive and transfer it farther from the people and deprive them of the control of a constitutional guaranty. This measure, if passed, would create a Trojan horse, armed and equipped to destroy the mission for which we were called to the next Congress. When we attempt to revise the tariff we will be met with the cry, "Wait until the board reports," and the board will answer, "We are not ready to report," or "The information thus acquired is confidential," and the people overburdened with the odious Payne bill would have to wait and sit quietly by while the beneficiaries of that law continue to plunder and pillage them and increase their already overflowing coffers with unearned profits and swell the volume of their predatory wealth. [Applause.]

The board may be called upon by the House to report, and it can reply it has not come to a conclusion. It may determine it should investigate a while longer, and then it may conclude to deliberate on what it has ascertained; and then, again, it may conclude to investigate more and deliberate again, and investigate more and deliberate again. During the delay thus occasioned the tariff barons will be extorting their millions from the consumers of the country, and Congress will be waiting patiently for the board to report the result of its investigations. [Applause.] Let us revise the tariff as soon as we come into power, relieve the people, and let the tariff barons wait for the creation of a tariff board and a report from it. [Applause.]

Let us carry out our instructions given us by the people, and let the fellows who have profited by special legislation wait a while. This legislation means delay on this important subject, and for that reason I am opposed to it. No power of Congress can force a report from this proposed board, because by the act by which its creation is proposed it is clothed with judicial functions, and it may fail to come to a conclusion, and on many important questions there is danger of the jury disagreeing and a mistrial had.

All such questions under it are not only possible but probable. We full well know the magnitude of the great question and the difficulties which surround it, and we should not complicate matters by the passage of this measure, which we surely would do if it should be enacted. Our party stands pledged to the doctrine of a tariff for revenue only. In the framing of a revenue measure on this basis we need not conjure with costs of production at home and abroad, but we need to know the amount of revenues required to be raised and the articles upon which they are to be levied, keeping always in mind the true Democratic doctrine to levy duties highest on luxuries and lowest on necessities.

Already in the course of this debate it has been announced by stand-pat Republicans that they support this measure because it is the safest way yet devised to sustain the great policy of protection. I concede their claim, and for that reason I oppose it and hope it will not become a law. [Applause.]

Mr. Speaker, this question was a vital and important issue in the campaign in Indiana last year. Both candidates for the United States Senate denounced the Payne tariff bill and pledged themselves to a revision of the tariff. The Republican candidate advocated a tariff commission and the Democratic candidate declared against it, and this question was one of the main issues between them, and upon it the battle was fought out in one of the hottest political campaigns ever waged in that State, the seat of severe political warfare in every campaign. The battle raged there as it raged in no other State in the Union. From the Ohio line on the east to the Wabash River

on the west and from the Ohio River on the south to the lake on the north the lines were formed and the conflict waged, and when the battle ended on the 8th day of last November the Democratic Party was victorious. [Applause.]

This question was there submitted for trial to a jury of 800,000 voters, who on the 8th day of last November rendered a verdict against it by a decisive majority. For one I am unwilling to revoke their decision now.

The Democratic Party in that State opposed the creation of a tariff commission and solicited support in its favor upon that issue, and secured it, generous support, as the election returns conclusively show. We who profited by that issue can not repudiate that doctrine now and break faith with the people. [Applause.]

Sir, if I voted for this bill I should consider it my imperative duty to go back to the legislature of that State, which is now in session, and petition it to rescind the action taken by it just two weeks ago when it elected the Hon. JOHN W. KERN to the United States Senate [applause], and in lieu thereof elect his opponent, the Hon. ALBERT J. BEVERIDGE. How could I do otherwise and keep faith with the people of the great State who have so generously honored me with a seat in this great law-making body? [Applause.]

As a Democrat, firmly believing in the principles of my party, proud of its traditions and hopeful for its future triumphs, convinced of the correctness of its time-honored doctrine of a tariff for revenue and opposing the doctrine of protection, I am compelled, in order to sustain this doctrine and keep unsullied faith with my constituents, to oppose this measure, and shall therefore record by vote against it. [Applause.]

It matters not what course others may elect to pursue on this proposition, but as for myself I propose to stand by the doctrine of my party on this question, declared in the campaign in my State, where it was an issue, and where the people by a decisive majority declared against it. By so doing I am, in my judgment, carrying out the mandate of the majority of my constituents and upholding the principles of my party, and hastening the day when opportunity will be given to relieve the people from the burdens of the tariff barons under which they groan, and for relief from its unjust tax rates they appeal to the Democratic Party. [Applause.]

Mr. DALZELL. Mr. Speaker, I demand the previous question.

The previous question was ordered.

Mr. MADDEN. Mr. Speaker, I ask for the yeas and nays. [Cries of "No!"]

Mr. MADDEN. Mr. Speaker, I withdraw the demand.

The SPEAKER. The question is on agreeing to the resolution. The question was taken, and the Chair announced that the Chair was in doubt.

The House divided; and there were—ayes 166, noes 69.

So the resolution was agreed to.

Mr. PAYNE. Mr. Speaker, I call up the bill (H. R. 32010) to create a tariff board.

The SPEAKER. The gentleman from New York calls up the bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 32010) to create a tariff board.

The Clerk began the reading of the bill.

During the reading the following occurred:

Mr. BARTLETT of Georgia. Mr. Speaker, I make a point of order.

The SPEAKER. The gentleman will state his point of order. Mr. BARTLETT of Georgia. Mr. Speaker, I make the point of order that the bill has to be considered in the Committee of the Whole House, it being on the Union Calendar.

The SPEAKER. The rule provides for the consideration of the bill in the House, and the precedents are that on similar occasions the bill shall be considered in the House under a special order like unto this order.

Mr. MACON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MACON. Is the bill amendable at this stage?

The SPEAKER. The bill has not yet been read. When the bill is read the Chair will recognize the gentleman from New York in charge of the bill. Of course, it is amendable, unless the majority should cut off amendment; but at this moment it is not amendable.

The Clerk resumed and concluded the reading of the bill.

Mr. PAYNE. Mr. Speaker, I would like to have the attention of the gentlemen on the other side who seem to be interested in this bill, in order to say that what I would like would be to pass this bill before we adjourn to-night. I am willing to take the floor, as I have said, for an hour, and divide that with the other side, if that will be satisfactory.

Mr. FITZGERALD. Will the gentleman yield for a question? Does the gentleman propose to have this bill read for amendment?

Mr. PAYNE. I say I desire to pass it to-night. I do not wish to cut people off unnecessarily.

Mr. FITZGERALD. Does the gentleman intend to have the bill read for amendment?

Mr. PAYNE. I have not that intention in mind now.

Mr. FITZGERALD. That is what I suspected.

Mr. CLARK of Missouri. I want to make a statement to the gentleman, Mr. Speaker. It was agreed in the Committee on Rules that there should be ample opportunity to amend this bill, and I want to serve notice on all concerned that they had better keep their agreement.

Mr. PAYNE. Not being fortunate enough to be a member of that committee, that is the first I have heard of any proposition of that kind. I think I can accommodate that situation if the gentleman will notify me what amendments, that are real amendments, they intend to make.

Mr. CLARK of Missouri. There are half a dozen of them—maybe more.

Mr. JAMES. There are many real amendments.

Mr. DALZELL. I want to say, Mr. Speaker, that it certainly was understood when this rule was reported that there would be neither restriction of debate nor limitation of amendment.

Mr. PAYNE. I wish to ask the gentleman from Missouri [Mr. CLARK] if he will agree on an hour for general debate.

Mr. CLARK of Missouri. I will tell you what I will agree to. We will take an hour on the side for this general debate, and then we will offer amendments as they arise. Time is not so precious that we can not stay here until 9 o'clock, if necessary, or 10. I want people to have an opportunity to express their opinion. My observation has been that if people get a chance to express their opinion they are not half so obstreperous as when they are shut off from doing so.

Mr. PAYNE. As I understand the gentleman, he is willing to consent to an hour on a side for general debate?

Mr. CLARK of Missouri. To an hour on a side.

Mr. PAYNE. And after that it is to be open for amendment?

Mr. CLARK of Missouri. Until 10 o'clock.

Mr. COX of Indiana. I would not put a limit on that.

Mr. PAYNE. I would say to the gentleman that perhaps we would make more progress to simply fix the time for general debate now to an hour on a side.

Mr. CLARK of Missouri. All right.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that the general debate close at the end of two hours, one hour for each side.

Mr. CLARK of Missouri. I want to give you fair warning now that the gentlemen must have an opportunity to offer amendments to this bill.

Mr. PAYNE. I hope the gentleman will not make any threats. After the gentleman stated what was expressed in the Committee on Rules I made no objection to amendments.

Mr. CLARK of Missouri. All right. Go on. I will make the threats afterwards if you do not give them time. [Laughter.]

Mr. PAYNE. Then I ask unanimous consent that general debate close in two hours.

Mr. HARDWICK. Mr. Speaker, reserving the right to object, I would like to know whether the two hours are to be equally divided between those who favor and those who oppose the bill.

The SPEAKER. The Chair, under the practice of the House, which is as strong as a rule practically, will state that first one is to be recognized who favors the measure and then one recognized who is opposed to the measure, with preference being given to the committee that reports the bill.

Mr. HARRISON. Mr. Speaker, will the gentleman from New York [Mr. PAYNE], in charge of this bill, consent that the hour awarded in opposition to the bill shall be controlled by me? I will thereupon agree with the gentleman from New York—

Mr. PAYNE. Any gentleman on that side who is satisfactory to that side.

Mr. CLARK of Missouri. Let the gentleman from New York [Mr. HARRISON] control the time on our side. We can make an arrangement about it.

Mr. PAYNE. I am willing to include that in the arrangement.

The SPEAKER. Is there objection?

There was no objection.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that all gentlemen have leave to print remarks on this bill for five legislative days.

The SPEAKER. The gentleman from New York asks unanimous consent that Members have leave to print on this bill for five legislative days. Is there objection?

There was no objection.

Mr. PAYNE. Mr. Speaker, I shall have very little to say in the discussion of this bill. It was made up in the committee by the subcommittee appointed for that purpose, from four bills that were before the Ways and Means Committee—one introduced by the gentleman from Wisconsin [Mr. LENROOT], one by the gentleman from Iowa [Mr. GOOD], one by the gentleman from Ohio [Mr. LONGWORTH], and one by the gentleman from Pennsylvania [Mr. DALZELL]. We took the best points in all those bills and put them into this bill, designing to make a comprehensive measure which carries out our ideas, at least, of what this bill should be.

Mr. Speaker, I have always opposed the enactment of any law providing for a tariff commission that shall have the right to suggest rates to Congress, and I have been much more opposed to any bill providing for a tariff commission having the right to fix rates, although I know that some gentlemen who claim to be lawyers say that Congress can delegate the power of fixing tariff rates under the Constitution, and that a tariff board or commission can really enact those rates. That proposition seems to me to be too ridiculous for argument. As I say, I have also opposed a tariff board or commission which should suggest rates to Congress. The Constitution intrusted that power to the House of Representatives, and as long as I am a Member of the House of Representatives, acting under my oath to support the Constitution of the United States, I will never vote for any bill that in any way abridges that power on the part of the House of Representatives.

But, Mr. Speaker, there is always much information required by Members of the House generally; perhaps not by my colleague from New York who spoke a few minutes ago, but generally they require some information in order to make a well-balanced tariff bill under any theory, whether of protection, of free trade, or of a tariff for revenue only.

The hearings that we had on the last bill, under the facilities that we had, put more information before Congress and before the country, I was going to say, than all the other committees ever put before the country, but the committee had to work amazingly hard in order to accomplish this result. If we had known, a year or two before we did, that the tariff was to be revised, so that we could have begun to gather this information two years before we did, perhaps we might have gotten more. The country does not appreciate the amount of hard work and the good work that was done by that committee, both by the majority and by some of the minority members, in seeking for knowledge on this subject; and I think there is no member of that committee who was with the committee during those hearings who will rise up in his place here and say that he does not need any information—nay, that he does not need all the information he can get—in order properly to frame a tariff bill for this great country of ours. So I welcome this board. I welcome the two Democratic minority members of it, because they have their uses, and if they are patriotic and work hard they can be very useful in helping to collect this information.

Mr. Speaker, to carry out that idea we have framed this bill in the form in which we have framed it.

Then, Mr. Speaker, there was another objection that I had when the subject of a tariff commission was pressed upon us some four years ago. I did not believe in a commission having power outside of the call of Congress to report facts to Congress or to the country.

I thought they should await the direction of Congress. Nay, if I had my way, they would await the direction of the House of Representatives in reporting facts in reference to the tariff. I would keep the whole initiative here if I could control this matter, but I realize that there is another body—I will not deny that they need information over there—another body that must go over our work. But I am willing, Mr. Speaker, to share with them the responsibility of a law which will enable them to get at the facts in order that they may prepare to review the work that goes from this body to them.

Then, Mr. Speaker, I hope that if this tariff board makes its report to Congress, if they are honest, if they work hard, as your committee did, that the country at large, that the people of the country, will get some knowledge of the facts as they appeared before this tariff board, or as they appeared before our committee; that when the next judgment is asked of the people on this or any other tariff bill the people will not be confined to false assertions which have been so universally prevalent ever since the present tariff law was put on the statute book. For these reasons, Mr. Speaker, I am in favor of

this bill, and I hope it will become a law, so that we shall have this permanent board looking after these facts as well as furnishing information that the President requires in the administration of the customs law, and especially that part of his duty which comes under the maximum and minimum tariff provision.

Mr. Speaker, I now yield 15 minutes to the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. Mr. Speaker, I regret exceedingly to observe that there seems to be some dissension on the other side of the House on this proposition. I had thought that the happy family across the aisle upon tariff questions at least would follow the leadership of their next Speaker and of the chairman of the Committee on Ways and Means.

This proposition comes before the House to-day with the unanimous report of the entire membership of the Ways and Means Committee. I will admit that it seemed to me not very long ago that such a thing would be impossible, because I did not see how a party which had gone on record unanimously both against the law to create the existing Tariff Board and the appropriation to continue its existence could very consistently vote to increase the membership of that board, to increase its field of investigation immensely, to augment very greatly its power of obtaining evidence, and finally to make what was only a temporary board a permanent board. And yet that miracle happened, and I sincerely hoped that to-day we should not have a partisan division in the consideration of this most important measure.

This bill, Mr. Speaker, is based upon a bill introduced by myself on the day after the Christmas recess. I mention this fact not on account of any pride of authorship or because it is of the least importance that my name should have been attached to that bill. I simply mention it because it was the bill which was specifically indorsed by the National Tariff Commission Association during its recent meeting in Washington and the bill that was specifically indorsed by the President of the United States. Therefore it is important to inquire, under these circumstances, whether the present proposition, this committee bill, is in substance that bill or not.

Mr. KITCHIN. Will the gentleman yield?

Mr. LONGWORTH. I will.

Mr. KITCHIN. Where did that association, that tariff association, hold its meetings?

Mr. LONGWORTH. In the city of Washington.

Mr. KITCHIN. Were any Democrats present and made any speeches?

Mr. LONGWORTH. There was a distinguished member of the Democratic Party present.

Mr. KITCHIN. Who was it?

Mr. LONGWORTH. He was a Member of another body.

Mr. KITCHIN. No Democratic Member of this House was present?

Mr. LONGWORTH. A distinguished Member of the Democratic Party made a very eloquent speech.

Mr. KITCHIN. All the other members were protective-tariff Republicans, were they not?

Mr. LONGWORTH. Be that as it may—

Mr. KITCHIN. The gentleman from Ohio was the leading speaker, was he not?

Mr. LONGWORTH. The tariff association indorsed this bill.

Mr. KITCHIN. Were any Democratic tariff reformers invited?

Mr. LONGWORTH. I simply repeat that a distinguished member of your party was present and addressed the meeting. Now, I can not yield any further.

Mr. Speaker, the principal change made in this bill is the substitution of the name "board" for the name "commission." Now, Mr. Speaker, it makes no conceivable difference whether you call this body a board or a commission, if you give it the powers that such a body ought to have. I admit that I would prefer the name "commission" simply because I believe the country best understands the word "commission" as applied to the functions of the body here created. But at the same time I was strongly impressed with the argument made by gentlemen who opposed the word "commission" on the ground that the use of the word "commission" would convey a false impression as serving notice to the country that it was intended to create a body whose powers would be from time to time increased and broadened as were the powers of the Interstate Commerce Commission.

Mr. Speaker, if the word "commission" means that this rate-investigating body should by gradual changes become a rate-recommending and finally a rate-making body I most cheerfully agree that it should be called a board.

Mr. JAMES. Of course that would be unconstitutional, as the gentleman knows.

Mr. LONGWORTH. Oh, I think so. It is a question, however, whether the recommending of rates would be constitutional or not.

Mr. JAMES. I mean rate making. Of course the Constitution provides that bills for that purpose shall originate here in this body.

Mr. LONGWORTH. I think the gentleman is right, yet there have been tariff-commission propositions submitted which did give the right to make rates. Now, I am as opposed as is the gentleman from Kentucky [Mr. JAMES] to any abdication by this House of the power committed to it by the Constitution to originate revenue legislation, and I could never vote, and I do not believe that any man here would vote, to delegate that power to any other body of men. Nor would I vote, nor do I believe any other man would vote, to delegate even the shadow of that power to any other body of men.

Mr. POINDEXTER. Will the gentleman yield?

Mr. LONGWORTH. For a question.

Mr. POINDEXTER. I understand the gentleman to say that he would not vote to deprive the House of the right to originate tariff bills. Did he not vote for a rule during the consideration of the present law absolutely depriving the House of Representatives of the right to make amendments—

Mr. LONGWORTH. Oh, I certainly did not, Mr. Speaker, and I do not care to indulge in a conversation on that subject at this time. [Laughter.] Does anybody deny that this House has originated tariff legislation in every case?

Mr. BURLESON. Oh, do not row over there, gentlemen. [Laughter.]

Mr. LONGWORTH. No, we will not. There is no row on this side.

Mr. JAMES. I thought that was the "happy family" over there. [Laughter.]

Mr. LONGWORTH. Well, we are pretty happy to-day. [Laughter.]

Mr. WEEKS. The unhappy part is about to go to the Senate.

Mr. LONGWORTH. Mr. Speaker, I propose to go very briefly through the various sections of the two bills to show just what changes were made. The only changes made in section 1 by the committee were, in the first place, the reduction of the salary of the members of this board from \$7,500 to \$7,000, except that of the chairman, which remains at \$7,500. The provision placing the employees of this board outside of the civil-service regulations was dropped out. The reason for that provision was that it was feared that by some possibility it might be held that the civil-service regulations applied to the appointment of experts, men who might be employed only for a short time in field work, men of peculiar knowledge, but it was decided by the committee that there was little chance of such a contingency arising, and therefore that provision was omitted.

Section 2 is exactly the same, with the omission of some words which gave this board the right to buy its office supplies. That was considered surplusage.

Section 3 was changed in three particulars. That is the section which provides for the duties of this board.

Mr. JAMES. Will the gentleman yield for a question?

Mr. LONGWORTH. Yes.

Mr. JAMES. I notice in section 3 that the board is to make investigation "with special reference to the prices paid domestic and foreign labor." Is that investigation to be made as to what domestic and foreign labor gets per day for their labor?

Mr. LONGWORTH. The whole question is covered—wages, prices of labor, and labor conditions.

Mr. JAMES. Would it not be a good amendment there to add the words "per unit of production," so that if the American laborer produces three times as much per day as the foreign laborer does, that fact should be presented.

Mr. LONGWORTH. I think that is included in that power.

Mr. JAMES. I disagree with the gentleman. If the gentleman will notice closely, the board could, if they desired, investigate only what amount was paid per day to foreign labor and what per day was paid to domestic labor, when, as a matter of fact, the American laborer might be producing three times as much as the foreign laborer per day.

Mr. LONGWORTH. Of course those questions are covered in the general investigation.

Mr. JAMES. Does not the gentleman think the amendment ought to be there providing for an investigation as to the unit of production?

Mr. LONGWORTH. Oh, I do not think that would be necessary under this section—

Mr. JAMES. You would not object—

Mr. LONGWORTH (continuing). The blanket clause of that section, which provides for the investigation of all facts which

may be pertinent to tariff legislation, will include what the gentleman has in mind, without doubt. Now, I must ask the gentleman not to interrupt me, as I have but little time. There was an additional duty imposed in that section of investigating producers' prices and retail prices. I rather think that this was included in the original section, but if there is any doubt of it it ought to be. Another change was one of phraseology. The sentence—

Together with all other facts which, in the judgment of said commission, will be helpful to Congress in providing equitable rates of duty on any article—

was changed to read—

Together with all facts which may be necessary or convenient in the fixing of import duties.

I think this phraseology is better and covers every proper field of investigation that this board should be called upon to take up. And, lastly, a provision was added that the board should also investigate any particular subject that either House of Congress may direct.

Mr. JAMES. As this is one of the matters of dispute between the two political parties as to whether American labor produces more than foreign labor per day, ought it not to have directed the board to specifically include that question?

Mr. LONGWORTH. I am convinced that general power is given to this board to investigate prices and cost of labor. Section 4 was changed by adding phraseology which would make it more nearly conform to the maximum and minimum provision of the tariff law. Sections 5 and 6, the two most important sections of the bill, are absolutely unchanged. Five is that section which gives the power to this board to subpoena witnesses and to call for the production of books and papers. It reserves to Congress the right, in case of failure of such witnesses to appear or testify, to proceed further, the powers of the board being confined to making report of the matter to Congress.

Mr. COX of Indiana. What is the purpose of the words "confidential information," in section 6?

Mr. LONGWORTH. I am speaking of section 5.

Mr. COX of Indiana. When the gentleman reaches that I hope he will discuss it.

Mr. LONGWORTH. I am now speaking of section 5. That will enable this board, where they have difficulty in ascertaining facts about the cost of producing certain articles, to subpoena men who are concerned in producing those articles and compel them to produce their books and papers. Its effect is going to dignify and lend authority to this body. I do not believe that section will be used by any means as frequently as the section following, because I do not believe that it will be often necessary to summon unwilling witnesses, but there should be some authority in this board to do so if it can not get the necessary information without it. The next section, to which the gentleman from Indiana alludes, is that which enables the board, when it deems fit, to have information for its confidential use. We can imagine often a case of a manufacturer or producer who would be perfectly willing to give complete information as to all his costs to this board, provided only that it should not be hereafter made public in a way in which it could be taken advantage of by his competitors. That is the purpose of that section.

Mr. COX of Indiana. Will the gentleman explain what good that information will be if it is not to be reported to Congress?

Mr. LONGWORTH. The only thing that is not reported to Congress is the name of those furnishing the information.

Mr. JAMES. The information, however, is given to Congress.

Mr. LONGWORTH. The information is given to Congress, but the names are kept confidential.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. PAYNE. Mr. Speaker, I yield the gentleman five minutes more.

Mr. BORLAND rose.

Mr. LONGWORTH. Mr. Speaker, I would ask not to be interrupted. There is only one more change that was made in this bill, and that was the grant of the power to either House of Congress to direct this board to make investigations in particular lines. I think that is a very good amendment, and I am glad it was adopted. To sum up, then, the bill now before us, the committee bill, is identical with the bill introduced by myself, with the exception that the word "board" is used instead of "commission," and that the powers of this board are slightly broadened. So that it may be safely said that this proposition has the indorsement not only of the National Tariff Commission Association, but of the President of the United States.

The effect of this measure will be to provide a permanent body whose duty shall be to investigate all questions pertinent

to tariff legislation, with complete powers to make these investigations thorough and authoritative. It will be a body independent of any department of the Government and responsible only to the President and Congress. It can not fail, Mr. Speaker, to throw light, a bright light, upon the most difficult and important, the least understood and most misrepresented question that confronts the American people, a light which no committee of Congress, however able, with necessarily limited time and concerned with other legislation of importance, could ever obtain.

Mr. CLAYTON. Mr. Speaker, may I ask the gentleman from Ohio a question?

Mr. LONGWORTH. I shall be delighted to yield for a brief question to the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. I desire to know, if this bill becomes a law, when this tariff board will report, either to the House or to the Senate or to the President or reach any conclusion whatever.

Mr. LONGWORTH. Why, if the gentleman will read the bill he will observe that they will report whenever either the House or the Senate or the President calls upon them to do so.

Mr. CLAYTON. That is not very definite. It waits until the House or the Senate or the President calls for it, and then with this provision allowing them to call witnesses, with the matter in a state of suspended animation, waiting for witnesses to testify before the board can get the testimony, I would like to know in that event what the board will ever report.

Mr. LONGWORTH. Oh, well, I do not think that question is quite worth answering. The gentleman from Alabama knows it is utterly impossible for any man to tell to-day how long it is going to take to investigate these matters.

Mr. CLAYTON. Is not this board intended for delay and not for the reduction of the tariff?

Mr. LONGWORTH. I decline to yield further. Now, I am not concerned, Mr. Speaker, in the question as to who may claim or receive credit for this legislation. I am only concerned that the public may get the benefit of it. This measure has abandoned the proposition that this board or commission is to have the power to report at any time it sees fit and to recommend or even to make changes in tariff rates. Therefore, any one of those who in the past have been identified with tariff-commission legislation which has for its ground the proposition that this board should be a rate-making or rate-recommending board, and desires to get credit for it, is perfectly welcome.

Mr. SIMS. May I ask the gentleman a real question?

Mr. LONGWORTH. I would like to have a real question.

Mr. SIMS. I am going to ask it. I want to ask the gentleman in all sincerity—

The SPEAKER. Does the gentleman from Ohio [Mr. LONGWORTH] yield to the gentleman from Tennessee [Mr. SIMS]?

Mr. LONGWORTH. I do, Mr. Speaker.

Mr. SIMS. Why do men who believe in a tariff for revenue only want to know what it costs to make or not to make foreign goods that come in competition with our own?

Mr. LONGWORTH. Why does not the gentleman ask the Democratic leaders who are members of the Ways and Means Committee, and who unanimously signed this report? They are the men of whom to ask that question.

Mr. SIMS. I supposed they had told you, so you could answer; so I ask you.

Mr. LONGWORTH. If they can not answer for themselves I shall not try to. [Laughter.] But I assume that inasmuch as every Democrat upon the Ways and Means Committee signed this report they had some reason for doing so.

The bill before us contains features of four bills introduced into this House—the bills introduced by the gentleman from Pennsylvania, the gentleman from Wisconsin, the gentleman from Iowa, and myself. It represents, too, the best thought, after a most careful consideration, of the entire membership of the Committee on Ways and Means. As such I believe that it merits and will receive the approval of this House. Let us pass this bill, undeterred by any threat that it may be strangled or filibustered to death in another body. We of the House can then at least claim credit for having passed as wise, constructive, and progressive a piece of legislation as has been enacted in the last decade.

But let us remember, both Republicans and Democrats, that however much some of us may pride ourselves upon aiding to procure the passage of this legislation, it would not have been possible at this session of Congress had it not been for the quiet but firm and effective insistence of the President of the United States. This will be but another column added to the already imposing structure of progressive and constructive statesmanship which, when history is written, will make his administration remarkable in comparison with the administrations of even his most illustrious predecessors.

The SPEAKER. The time of the gentleman from Ohio [Mr. LONGWORTH] has expired.

Mr. PAYNE. Mr. Speaker, how much time have I left?

The SPEAKER. The gentleman has 30 minutes remaining.

Mr. PAYNE. I suggest to my colleague [Mr. HARRISON] that he use part of his time.

Mr. HARRISON. Mr. Speaker, I yield 25 minutes to the gentleman from Missouri [Mr. CLARK] for his disposal.

Mr. CLARK of Missouri. Mr. Speaker, I yield six minutes and a quarter to the gentleman from Georgia [Mr. BRANTLEY].

Mr. BRANTLEY. Mr. Speaker, the subject of taxation is the most important that this Government or any other Government can ever consider, and when considered it should be considered intelligently and in the light of the best information obtainable. It is to me unbelievable that the Congress of the United States, now or hereafter, will abdicate its constitutional duty and power to enact tariff legislation, or that it will ever delegate or empower any commission to exercise this supreme governmental power. Tariff boards or commissions may be created, but Congress will continue to enact all tariff legislation.

It is to me unbelievable also that so long as the line of cleavage exists between a tariff levied for protective purposes and a tariff levied for revenue purposes—so long as the demand continues for a purely protective tariff—that the tariff will cease to be a political question and a political issue. For myself, I am too hopeful and optimistic a Democrat to read in the future, as some of my brethren do, disaster for my party by reason of the enactment of this bill, because by reason of our victory in November, 1910, I am assuming that in November, 1912, a Democratic President will be called to the White House. [Applause on the Democratic side.] If that occurs, then, in July, 1913, the board authorized by this bill will be a Democratic board, and will so continue throughout that Democratic administration. I am too loyal a Democrat to agree with my distinguished friend from New York that "information" will ever embarrass the Democratic Party. [Applause on the Democratic side.]

My friend from Tennessee [Mr. SRMS] wants to know why a Democrat, believing in a tariff for revenue, is interested in any of the questions that it is proposed a tariff board shall consider. One of the greatest Democrats who ever sat in this body, one of the purest, strongest, ablest men who ever graced this House, one whose splendid reputation was largely based upon his eloquent and unanswerable logic against the protective system—my distinguished predecessor, the Hon. Henry G. Turner—said in a speech in this House on the tariff:

The doctrine that Congress can enact a tariff only for revenue, keeping in view its influence upon our industries, has been too long settled to admit of reargument with me.

Democracy, as I understand it, believes in a tariff for revenue and abhors the doctrine of protection, but does not close its eyes to the fact that a tariff even for revenue alone does affect the industries of the country. A Democratic tariff should be so levied as in the first place to be just to the Government, by yielding a revenue amply sufficient for governmental purposes; just to the people, the consumers, by not putting too great a burden upon them and by not giving an undue advantage to any industry; and just to the industries of the country, by seeing to it that as they are not unduly favored, neither shall they be unduly handicapped in the struggle for supremacy in the markets of the world. For these purposes, purposes incident to and a part of a revenue-tariff system, accurate and detailed information covering a very wide scope is vital and necessary.

The Democratic Party will take charge of the House in the Sixty-second Congress. Its first great duty will be to revise the tariff downward. I have no expectation of any real assistance from the board authorized by this bill in that important work should the bill become a law. The board will not come into existence until next July, and it will be December before the House could give direction to have any specific information furnished. By that time our Democratic tariff bill should be well on the road to completion. We expect to frame our tariff legislation in the coming Congress without the aid of the board.

For my own part, I am not willing to say by opposing this bill that the Democratic Party, in framing tariff legislation, neither seeks nor desires carefully and accurately obtained information. I want the best attainable, and I want it to come from the purest sources—the sources least tainted by sectionalism or partisanship.

The Democratic Party has not and does not now favor tariff commissions with power of recommendation and power of publicity through reports and publications to influence and mold public opinion. Least of all does Democracy favor such a commission to be named by a Republican President. In 1882 a Republican Congress created a tariff commission of nine members. It was a Republican commission, charged with the duty

of investigation, report, and recommendation. The Democratic Party opposed its creation. During the last session of Congress the effort was made to create a White House tariff board, to report only to the President. The Democratic Party opposed the effort.

The pending proposition is different from any of those that have preceded it. Here the board is limited to five members, but three of whom can be of the same political party. The terms of office of the members are so arranged that there will be a vacancy to fill every year. The membership is not permanent, nor is the political complexion of the board permanent. The board has no power save to gather facts. It can make no recommendations. It can not even make a report unless called upon to do so. The provisions are such that either House of Congress can call for a report without consulting the other. I do not believe the bill is perfect. I think it could be improved upon by certain amendments; and yet it is, in my judgment, the broadest attempt to create a nonpartisan bureau for gathering and digesting valuable and necessary facts and information relating to tariff legislation that has yet been made, and considering the spirit and purpose of the bill as revealed by its provisions, the bill has my support.

Gentlemen who fear that the board would not respond to the directions of the House, who fear that the board would willfully delay tariff reform by withholding the information desired, have but to remember that the House controls the purse strings of the Nation, and if the board should prove perverse or obstinate, the House can withhold and deny salaries.

The necessity for scientific and accurate information concerning the tariff will be revealed to anyone who will read the present tariff law. I challenge the membership of this House and the laymen of the country to say what the tariff rate actually levied on any article amounts to.

This law is so saturated with protection, is so cunningly framed with its ad valorem and specifics, its additions and subtractions by reason of fineness, weight, numbers, and otherwise, that only an expert can tell the amount of the duty imposed. Tariff legislation should be simplified. The country, as well as the Congress, should be able to easily understand it. We must understand it and be fully informed about it before we can simplify it. I would turn the white light of publicity upon the present law.

I would make plain all the injustices, the discriminations, the inequalities, and the iniquities with which it abounds. One way to do it is through just such a body of experts as the pending bill proposes. The exposure will not be made now, but if the people continue to favor the Democratic party the day is in sight when such exposure will come.

This bill is not the offspring of stand-pat Republicanism. It is a concession wrung from them through the overwhelming force of public opinion. It marks the tottering end of high protectionism.

Mr. Speaker, I am one of those who would take the tariff out of politics if I could. I can not foresee the day, however, when this will be possible; but if impossible we can at least frame our tariff laws on correct information and established facts, painstakingly and scientifically analyzed, digested, and understood.

With such a basis and with our law framed on the theory that the Government can only tax for governmental purposes, if we do not remove the tariff from politics we will eliminate the flagrant wrongs and vices of the present system. [Applause on the Democratic side.]

Mr. CLARK of Missouri. I yield six minutes and a quarter to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, the American people have commissioned the Democratic Party to revise the tariff. That was the issue in the last campaign. There are sufficient facts obtainable for the Democratic Party to revise the Payne tariff bill downward to an honest revenue rate, and it is going to be done—commissions, tariff boards, or anything else notwithstanding. Now, I am not in favor of a tariff commission, and never have been. A tariff commission carries with it the idea that a set of men outside of the Congress of the United States should advise the Congress of the United States how to transact the business that the people of the United States have commissioned the Congress to do. I am thoroughly opposed to a tariff commission in any form whatever; but I have served on the Ways and Means Committee of this House half of my service in Congress—longer than any man on this side, except the leader of the Democratic Party.

I have tried to render faithful service to my country and my party on that committee; and I say to you candidly that there is no proposition that I have ever had to face that has confronted me with more difficulties than to attempt properly to adjust the

tariff rates in conformity to the principles of my party, without having sufficient information on which I could base my judgment.

A year ago, when I voted against and fought the present White House tariff board, I stood in favor of a board that would be responsible to this House, that would gather facts, and opposed the White House tariff board because it was not responsive to the will of the House.

Mr. SIMS. How would you have it appointed?

Mr. UNDERWOOD. Why, I would rather have it appointed by the House, if I could; but if I can not, I will take a board appointed by the President, if it shall be a board only to gather facts.

Now, there is no doubt that the sole purpose of this legislation is for a board to be appointed to gather facts, not to reach conclusions, and to lay those facts before this House; not facts that the board wants to lay before this House, but facts that this House shall order the tariff board to bring before it. You know, and every Democrat here knows, that one of the greatest difficulties we have had to face is, that when the Ways and Means Committee goes into session to ascertain the facts upon which they can write a tariff bill, the only men that are sufficiently interested to come before us and give us the facts are the protected industries of the United States. And yet to-day you would vote to continue that condition, to continue to place us absolutely in the hands of the protected interests of this country for the information on which we are to write a tariff bill, and refuse to give us the board that will be composed of men who, by law, are authorized and directed to investigate under our direction, and to ascertain facts on which we can base an honest tariff legislation.

Now that is the issue. My friend from Tennessee wants to know why we should want information in reference to a bill written for revenue, and revenue only. Why, my friend, of all the bills that require information the man who is writing a tariff bill for revenue needs information the most.

Mr. SIMS. I beg the gentleman's pardon, I said the difference in wages abroad and here, so as to ascertain what rates were to be levied to equalize.

Mr. UNDERWOOD. That is only one of the incidents. If you are writing a bill for protection you can put it higher and higher, high enough to keep out competition, and you have a good bill for protection.

Mr. CLAYTON. If the gentleman will pardon me, if you want it for the support of the Government, can you not keep writing it lower and lower, so as to lessen the tax on the people? [Applause on the Democratic side.]

Mr. UNDERWOOD. That is true, if you could afford to play hide and seek with the Treasury of the United States, but it is our duty, my fellow Democrats, not only to write a tariff bill solely for revenue, but also to write one that is capable of raising sufficient revenue to run this Government, and we must know what we are doing and not guess at it. [Applause.]

[Mr. RANDELL of Texas addressed the House. See Appendix.]

[Mr. POULSON addressed the House. See Appendix.]

Mr. HARRISON. Will the gentleman from New York use some of his time?

Mr. PAYNE. My colleague has more time; I think I have used more than he has.

Mr. HARRISON. Mr. Speaker, I regret very much to appear in opposition to my colleagues on this bill, but I am opposed to the principle contained in this bill and to the bill itself; and yet, after listening to the speeches of the five Democrats who rank me upon this committee, I do not believe that very great difference exists between their attitude and that of other Democrats in this body. They support this measure with great reluctance, but they support it in the hope that it may furnish some information to the House in the framing of tariff bills. I oppose it because I believe it is a useless expenditure of public money. I oppose it because I do not see any place in the framing of a Democratic tariff bill for revenue only for an inquiry into the difference of cost between production here and abroad. [Applause on the Democratic side.] That is the main purpose of this bill, upon its face, and to that I enter a demurrer that it is no part of the Democratic scheme of things to entertain such an inquiry. As to all other kinds of information necessary in the drafting of a tariff bill I believe that the members of the Ways and Means Committee of the House are not only as competent but more reliable than can be any board of men appointed by the President for a six years' term, while we have to go before the people for reelection every two years. [Ap-

plause on the Democratic side.] In my judgment the reports of the different bureaus of the Department of Commerce and Labor, together with the statistics of the customhouses of the United States, will give sufficient information for the framing of a tariff bill for revenue only, and, believing that, I am opposed to this waste of the public money. Why, Mr. Speaker, this bill is nothing more nor less than a plank to help the Republican Party across a swamp. [Applause on the Democratic side.] The purpose of the creation of each one of these commissions which they are presenting to us with such frequency nowadays is but to asphyxiate some reform.

The purpose of this bill is to harass, to delay, to prevent Democratic tariff reform, and if it does not accomplish that it will accomplish nothing at all. [Applause on the Democratic side.]

I do not believe that the bill is workable. In my judgment a very serious objection to it is the opening allowed for a division of authority operating upon the tariff board. Suppose that a Democratic House of Representatives next year were to proffer to this tariff board a request for information for revision of Schedule K, the schedule on wool and woollens, and the tariff board should reply: "We can not investigate that now. The President directed us some time ago to give our attention to an investigation of Schedule A, upon chemicals and paints; and we can not give you any information now about the woolen schedule of the tariff." Where would we be in that situation? What power on earth would give us the might to overcome the direction of the President? I predict that the tariff board, appointed by him and subject to him, would go ahead with the investigation of the chemical schedule, and we would be high and dry as to any information they might give us on the schedule on wool and woollens.

Mr. BORLAND. Will the gentleman permit a question on that?

Mr. HARRISON. Certainly.

Mr. BORLAND. Does not the gentleman know that the Democratic House could lick off the earth the tariff board at the next session?

Mr. HARRISON. Yes; by withholding the appropriation. That is one way to kill the tariff board; but I prefer to meet the question frankly as it comes before the House, and vote against it in the beginning.

Mr. KITCHIN. I would like to ask the gentleman a question.

Mr. HARRISON. Certainly.

Mr. KITCHIN. Have you ever known a Democratic district convention, a Democratic State convention, or a Democratic national convention that ever declared in favor of a tariff board or tariff commission of any kind?

Mr. HARRISON. Not only that, but I believe it is absolutely opposed to all Democratic tariff principles.

Mr. Speaker, owing to the shortness of the time allowed me, I shall conclude my remarks and give five minutes of my time to the gentleman from Missouri [Mr. SHACKLEFORD].

[Mr. SHACKLEFORD addressed the House. See Appendix.]

Mr. HARRISON. Mr. Speaker, I yield five minutes to the gentleman from Georgia [Mr. HARDWICK].

Mr. HARDWICK. Mr. Speaker, in the light of recent events, I am not at all surprised that our Republican friends are so anxious to take the tariff out of politics, because it has taken so many of them out of politics. [Laughter.]

But, Mr. Speaker, it does not seem to me as though it is good Democratic politics to assist our Republican friends in pulling their chestnuts out of the fire. They are in trouble with this tariff question. It beat them last November, and it will beat them in 1912 just as certainly as the sun rises and sets on election day that year, unless we help them out of the hole. [Applause on the Democratic side.]

Mr. CULLOP. Unless we are sidetracked by such galvanized projects as the one presented here.

Mr. HARDWICK. Yes; and for one I am opposed to giving them any such aid and comfort, much as I like some of them personally.

Mr. BUTLER. You like them all.

Mr. HARDWICK. Much as I like them all personally.

Mr. Speaker, my distinguished colleague, the gentleman from Georgia [Mr. BRANTLEY], who addressed the House in support of this proposition, said he was too good a Democrat, too loyal a Democrat, to fear the light or to dread information. I say "amen" to the proposition, but I want to tell him that he is too good a lawyer, as I hope I am, not to carefully examine the quarter from which the "light" comes. What are "facts"? They depend on who the witness is. What is the information? It depends on the source from which it comes. Are we to get

information for the Democrats by means of a Republican tariff board, appointed by a President who boasts that he is an advocate of the protective-tariff system and who not so long ago—I think, however, it was before the ides of last November—went out to some place in the West called Winona and said that the Payne tariff bill was the best tariff legislation that the American Congress had ever yet enacted.

Mr. KITCHIN. And is he the man who is going to appoint these fellows? [Laughter.]

Mr. HARDWICK. What do they need a commission for if they have already done the best that is possible? If they have reached the acme of legislation, the pinnacle of Republican perfection, then I ask you, my Republican friends, why do you want to go on disturbing the country with this agitation about the tariff?

Mr. STANLEY. To get a more perfect bill.

Mr. HARDWICK. To get a more perfect protective bill when they come to bolster it up from the arguments that will come from a Republican presidential commission. What sort of Democrats are to be appointed on this commission? What are to be their tariff views? How much "protection" does it take to constitute revenue in the minds of these two minority members of the board? God alone knows, and the President of the United States alone can answer. For one, my friends, I am opposed to running any such unnecessary risk. For one, I stand on the Democratic traditional ground of opposition to these commissions; of opposition to legislative encroachment on the constitutional functions of Congress. Why, all the most important tariff propositions that have been submitted to Congress and the country in many years now comes from the President of the United States, in his Canadian reciprocity treaty, which we are now told we must either accept or reject as a whole without amendment or change.

Mr. LANGLEY. Is the gentleman from Georgia going to vote for it?

Mr. HARDWICK. I do not know as I shall have a chance. Is the gentleman from Kentucky going to vote for it?

Mr. LANGLEY. I am not unless it is amended in several important particulars.

Mr. HARDWICK. Some of the gentleman's colleagues are, and then we will see another illustration of the "happy family" on the other side the day that bill reaches this floor. But, my friends, we want information, but we do not want "stacked" commissions. We do not want "experts" that we know are appointed by a man who is devoted to the protective-tariff ideas. We were commissioned by the people of the United States in November, and we hope to have that commission renewed and enlarged in 1912, not to go to reporting tariff commissions, but to revise the tariff and to revise it downward as quick as we can cut the rates, and that is what we ought to do. [Applause.]

This proposition, Mr. Speaker, contains what? It contains directions that a whole lot of things shall be inquired into by this commission, such as into the cost of production at home and abroad, the difference in wages between domestic and foreign labor, and a number of such things that may be important enough to consider in framing a protective-tariff bill; but what provision is made for obtaining information relative to the revenue that might be obtained or how heavy the burden that may be placed on the backs of the American consumers, or a number of other important considerations that ought to be regarded in making a Democratic bill, one that would be just to all men, impartial to all, and fair to all? [Applause on the Democratic side.]

Mr. HARRISON. I now yield four minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Speaker, I will begin my remarks by congratulating one of the greatest leaders that ever sat in this House, Leader PAYNE. [Applause.] In the last session of Congress he led the standpatters. In this session he leads the standpatters, the insurgents, and the Democratic leaders. [Laughter and applause.] This bill was introduced January 24, 1911, six days ago; it was reported January 24, 1911. If that is not quick work, pray tell me who can show an example of more rapid execution by a leader anywhere? Here we are with the rule considering it. Almost while you wait we are passing this bill. [Laughter.]

Mr. LANGLEY. That is the way the Republicans do business.

Mr. SIMS. The other bill was called the Payne bill No. 1. Afterwards it was called the Payne-Aldrich bill. What did it do for the country? It defeated everybody almost who voted for it unless it was in a rock-ribbed Republican district that could not be defeated. This is Payne bill No. 2. Are the Democrats going to walk up and vote for this bill after knowing the result the Republican Party met with in voting for Payne bill No. 1? Are they going to vote for Payne bill No. 2 only 6

days old? If they vote for this bill they are going to vote a lack of confidence in themselves. What is the use of having a Republican tariff board to be appointed by a Republican President, providing three of one party and two of the other? The President said the Payne bill No. 1 was the best ever passed, and no doubt after its passage he will say Payne bill No. 2 is the best ever passed. I say, to vote for this is to vote a lack of confidence in our own judgment. No board appointed under this law can make an intelligent investigation and report to the next House any information in time for the new Committee on Ways and Means to act on it. Therefore our first duty is to pass a bill repealing the Payne bill without the information that this board would gather. How long do you suppose our bill will last if we pass one? If it lasts as long as the Dingley bill we will not need the work of the board for 10 or 12 years. Why not wait until there is a Democratic House here, and when the 84 new Democratic Members come here and can help make a tariff board if we have to have one for the Democrats? Then the bill will not be called a Payne bill. I tell you it will beat any Democrat that comes up and supports a bill with that label on it, even if it is the Payne bill No. 2. [Laughter and applause.]

Last November the people elected a Democratic tariff board constituted of 228 Democratic Members of the Sixty-second Congress. To that board the people look for tariff revision, and not to a tariff board provided by a bill introduced by the Republican leader, Mr. PAYNE of New York, which board is to be appointed by a Republican President who believes in a protective tariff. The people thought they elected men who knew enough about the tariff to revise the Payne-Aldrich bill without the aid of a newly created Republican tariff board.

[Mr. CLAYTON addressed the House. See Appendix.]

Mr. HARRISON. Mr. Speaker, I yield to the gentleman from Alabama [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, what attracted my attention principally to this bill and invited my earnest opposition is a statement that was made on the 30th day of last December by a gentleman who is now on the Tariff Board, and doubtless will be there again when the President comes to appoint under this bill. Mr. Speaker, I find our political opponents exulting and rejoicing and supporting with marked unanimity this proposed measure for a biparty tariff board, or commission if you prefer to call it that. You may call it "tariff board" or "tariff commission," because they mean the same for the purposes of this proposed legislation. I am suspicious when I find able and astute Republican leaders cooing with a few of our friends about a measure and a principle that brought disaster on the Republican Party last November. Mr. Orvin H. Sanders, in the Washington Post on the 31st of December last year, is quoted as saying:

Two years ago I would have been thrown out had I come to Washington and mentioned a tariff commission. Nobody seemed to take the matter seriously. * * * Now the question of a permanent tariff commission * * * is the biggest question before Congress and the most important political development of the day.

Now, the most natural and reasonable inquiring suspicion that enters into my mind is, What is all this "most important political development?" Where does it come from, and who are the authors? This naturally prompts a Democrat to be on his guard and carefully and critically examine every feature of this bill and find out where the sting is.

What is the cause of that political excitement and that political revolution? Why, Mr. Speaker, the proposed tariff board is exact in principle with the Tariff Board that the President of the United States claimed authority to appoint under the first paragraph of the sundry civil bill of May 7, 1910, carrying with it an appropriation of \$250,000 for expenses of that board. Practically every Democrat stood courageously against such a board being formed. We denounced the useless waste of public money for a purpose, a makeshift, a false pretense, and its only object was to appease and placate the public and avert the overthrow of the Republican Party in November.

The Republicans passed that measure, and our party never turned them loose on that miserable pretense of a tariff board, loaded down with false promises. We pointed out to the country that the Republicans had deliberately falsified their plighted word and honor by increasing the tariff duties and not reducing them. The country listened with eager ears, and no two factors figured more potently in bringing about the overthrow of the Republican Party at the polls on the 8th of last November than the pretense of the Tariff Board and the high price of living in connection with the tariff schedules. Now, I fairly ask, What is the difference between the terms and duties of the Tariff Board created and provided for under the sundry civil bill of May 7 and this bill? The chief difference is in this,

that the tariff board we have up now provides for the appointment by the President of five members of the board, three to be Republicans and two Democrats, while on the first board the three appointed, as reported, were Republicans. In this bill an important difference exists. Each House of the Congress is authorized to call on the board for a report.

The other and first Tariff Board required, if the board ever reported at all, the report should be made alone to the President, and Congress was left out. But we should look at this matter squarely, and analyze and digest, if we can. The fact is everywhere admitted that the House of Representatives is charged under the Constitution with the responsibility of framing a tariff law for raising revenue to defray the expenses of our Government. The House could and would not delegate to a tariff board the authority to make a tariff bill, for the House intends to do that work itself. [Applause on the Democratic side.]

Much has been said on the floor this afternoon about scientific experts to arrange a scientific tariff, and by that means take the tariff out of politics. The political millennium may come in the sweet by and by, when the insurgent and the stand-patter will sleep in the same political bed; then, and not until then, will the tariff cease to be a political subject. No sunset-rainbow scientific commission could in a thousand years prepare facts or schedules for a tariff bill that the body of the Representatives of the House would accept. Our people, our constituents, expect us to perform that duty, and we do not ask to escape it.

This does not mean that a Democrat does not seek information from any source he can get it, and especially about properly adjusting tariff duties. The first Tariff Board named by President Taft had a large amount of money on hand. Two, or certainly one, of them have traveled throughout Europe, and the others so engaged in our country. What has been accomplished? Quite 12 months has passed, and what are the results? Now, the proposition is to let the old Tariff Board go out as the new one comes in. The new board under the bill we are now considering does not come into existence until after the 1st of July, and continues for six years, as provided for in the bill. I say July. I see no reason for Democrats to walk up and place a Republican collar on their necks for the next six years in the way of a tariff board appointed by a Republican President—three Republicans and two Democrats. Democrats have not forgotten the 7 to 6 commission that took the Presidency out of our hands. Let us take warning. Under the imperial authority of Mr. CANNON the Rules Committee of the House until very recently had three Republicans and two Democrats. Did any of our most optimistic friends ever dream of anything coming our way from the Rules Committee as then constituted?

The real question in this bill is this: Is it intended to facilitate and expedite tariff business or to delay such business and thereby shoulder the Democratic Party with a failure to meet the demands of the public in reducing tariff duties. That is what the election last November meant, and we ought to be careful and not permit ourselves to be hampered and prevented from doing our full duty to the country. I fear that it is delay—delay that Republicans seek. It is hard to give full credit to this sudden conversion of the stand-pat Republicans to a co-operation with Democrats in furnishing us aid, help, figures, and statistics in seeking to gradually approach a revenue basis. Do you think, Mr. Speaker, that a stand-pat Republican can perform that feat? I shall at the proper time offer this amendment at the close of section 3 of the bill:

Provided, That the tariff board is hereby directed to report to the Ways and Means Committee of the House on the first Monday in December next all information it has on the price of articles affected by the trusts, also such other information on any one or more tariff schedules as may be designated.

If that amendment is accepted, then the power is in Democratic hands.

Another objection I have to the bill is that it clearly contemplates delay when in section 5 it requires a recalcitrant witness to be sent before Congress for punishment, I presume. In section 6 the bill provides that the board may acquire information and hold it confidential. There has been a terrific crusade for a few years past about the wholesome workings of publicity in all things, and now on this great question of the tariff the proposition is seriously made to let five men get possession of facts for the regulation of the duties to be imposed on the property of citizens at home and abroad, and yet if Congress wants to know something about the facts made the basis for action we are met with the assurance such facts are confidentially held by the tariff board. We all realize the great responsibility of the Democratic Party in formulating the next tariff bill. We must

and will meet that responsibility, but we must shun vexatious entanglements with Republicans and vigilantly avoid the snares they set for us.

Mr. HARRISON. Will the chairman of the committee use some of his time? I have only 10 minutes left.

Mr. PAYNE. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The Chair desires to state the gentleman from New York [Mr. HARRISON] has 10 minutes and the gentleman from New York [Mr. PAYNE] has 30 minutes.

Mr. PAYNE. I yield seven minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, when in December last the gentleman from Iowa [Mr. Goob], the president of the National Tariff Commission Association, Mr. Cobb, and I appeared before the Committee on Ways and Means advocating this legislation favorable action seemed almost hopeless. To-day we have the bill before us with a unanimous report from both the Republican and Democratic members of the committee. It is a striking demonstration of the fact that the real sovereign of this country after all is public opinion, before whose will even Members of Congress must humbly bow or be retired to private life. This measure is advocated from all parts of the United States. It is not a partisan measure in any sense. No Republican who believes in the declarations of his party is afraid of a tariff commission or board; the name is entirely immaterial. No Democrat ought to be afraid of a tariff board. Any manufacturer who is receiving benefits greater than he is entitled to may well be afraid of it, for it is not protection that he desires, but a Government license to steal.

Any manufacturer opposed to a tariff commission does not want a square deal and is afraid that it is going to get it. Much has been said during this debate by our Democratic friends about the uselessness of this information from a Democratic standpoint. The gentleman from New York [Mr. HARRISON] has said that the facts found by a tariff commission have no place in any Democratic tariff bill. I would not like to admit, Mr. Speaker, that they have any place in any bill that may be reported by the Democratic Party, but I unhesitatingly say that they have a most important place in any bill that is based upon a tariff for revenue only, as they have in a Republican bill for a protective tariff. The gentleman from Tennessee [Mr. SMITH] has made the inquiry several times during the debate as to what the difference in the cost of production at home and abroad could have to do with a bill for revenue only. While it is not for me to offer any advice or suggestion to my Democratic friends, yet believing that this is a nonpartisan question I shall endeavor to answer the question of the gentleman from Tennessee. When our friends in the next Congress attempt to prepare their tariff-for-revenue bill, the first inquiry will be within what limit they may place rates upon a tariff for revenue purposes. They may commence at the bottom with the free list and impose rates upon different articles competing with products in our own country upon an ascending scale up to a certain point. And what is that point? The point where the rates which they apply cease to be a tariff for revenue only where importations cease. What is that point? It is the point just above the difference in cost of production at home and abroad, and when they get any rate substantially above that point they have not a tariff for revenue only, they have not even a protective tariff, but a prohibitive tariff that is condemned by Republicans and Democrats alike. And so I say you can not frame a bill upon the basis of a tariff for revenue only without knowing the difference in cost of production at home and abroad.

The gentleman from New York [Mr. FITZGERALD] has declared his opinion that this bill is designed to embarrass the Democratic Party. Now, I have no hesitation in saying that if in the preparation of a Democratic tariff bill they pay no regard to the difference in the cost of production at home and abroad it will embarrass the Democratic Party, and it ought to; and I have no hesitation in saying that if they had had this information when they had a Democratic tariff bill, the Wilson law, it would have added a great deal more embarrassment to the Democratic Party than the embarrassment that then existed.

It is well known that many of the rates in that law were not rates for revenue only—were not even protective rates, but were absolutely prohibitive rates; and if you want to repeat that experience without this information ascertained by a tariff commission you will have the same result again.

Mr. SHACKLEFORD. Can we hope that the man who believes that the Payne tariff bill was the best that was ever written will select such a board as will report anything against it?

Mr. LENROOT. In reply to that I will say that the lamp of experience is the best guide to the future. We have now three members of this Tariff Board; and does the gentleman from

Missouri contend that those three gentlemen are not absolutely fair and honest and will not give correct conclusions if they are upon this board, as they certainly will be?

Mr. SHACKLEFORD. I will say that they have not done it, and the President, who controls them, has not permitted them to do it; and they have spent \$325,000 and not one single sentence have they given us that will guide us in framing a tariff.

Mr. LENROOT. I do not understand that—

Mr. SHACKLEFORD. If you understand that, I wish you would tell us about it.

Mr. LENROOT. The gentleman from Missouri [Mr. SHACKLEFORD] must know that for the first five months that board was occupied with matters entirely foreign to the ascertainment of the difference in the cost of production at home and abroad, and just as soon as that board does conclude its investigations upon the subject which it is now investigating, and this bill passes, the next Congress will have the benefit of the conclusions of that board. I do not think the gentleman from Missouri will contend that the conclusions of that board when given to this Congress will be given in a partisan way, or that it will be of the slightest concern to any Member of this Congress or the country whether the members of that board are Republicans or whether they are Democrats.

Mr. SHACKLEFORD. They are no better than this Ways and Means Committee.

Mr. LENROOT. In reply to that suggestion I will state that it has been assumed throughout this debate that this board will take testimony in the same way that testimony has been taken by the Ways and Means Committee. The information secured by this board, so far as its value is concerned, will not be in way of testimony. The gentleman from Georgia has referred several times to stacked witnesses. I want to say that every Ways and Means Committee of this House for the past quarter of a century has had before them stacked witnesses, and practically nothing else but stacked witnesses; but the information gained by this tariff board will not be by testimony, but through independent investigation of the books of these companies and corporations and factories, and in that way they will ascertain the difference in the cost of production at home and abroad.

Mr. HARDWICK. Does the gentleman think the American consumer will appear before this board?

Mr. LENROOT. I do not; and it will not be necessary for the American consumer to appear before it, for they will ascertain, independently of stacked or unreliable witnesses, the facts concerning the cost of production from the books of the factories themselves.

Mr. HARDWICK. Mr. Speaker, I want to ask this question: Does not the gentleman think that a Republican President, devoted to protection for protection's sake, will give a very poor tariff board from the Democratic standpoint?

Mr. LENROOT. Does the gentleman think that this present Tariff Board is a poor board from a Democrat standpoint?

Mr. HARDWICK. No; I do not want any from a Republican standpoint.

Mr. KITCHIN. May I just ask the gentleman a question?

Mr. LENROOT. Certainly.

Mr. KITCHIN. Can not the Congress give the Ways and Means Committee this same power to have books produced before it?

Mr. LENROOT. It could, but it is entirely impracticable for any Ways and Means Committee, composed of Members of Congress, to go into that matter as it should be gone into. [Applause on the Republican side.]

Mr. CRUMPACKER. Mr. Speaker, I favor the pending bill, among other things, because an expert nonpartisan tariff board or commission is a necessary part of the machinery required to establish a protective tariff on the basis outlined in the last Republican national platform. There was a great deal of dissatisfaction throughout the country with the Payne tariff law, and it arose chiefly out of the fact that Congress undertook to make a scientific tariff along protection lines with old-fashioned, unscientific methods. The Committee on Ways and Means made as full and complete an investigation of facts bearing upon tariff schedules as it could make with the means at its command and under the circumstances existing at that time, but the testimony submitted was given largely by interested parties, and however honest they may have been, the people of the country refused to give them credit for unselfishness, and their testimony was rejected because of their interest in the questions involved.

If the Payne tariff had been perfect in every schedule and had measured up to the standard fixed by the Republican platform as accurately as it was possible to make it, it still would have failed to meet with public approval because of the disposition of the country to discredit the honesty of the witnesses

who gave information upon which the tariff was largely based. That tariff was a disappointment to many people, not because it was an unfair measure, but because there were no trustworthy facts and statistics that would enable the supporters of the measure to demonstrate its fairness. I believed at the time, and still believe, that the Payne tariff was a very meritorious measure. It contained the germ for a tariff commission, and aside from the revision of the schedules it contained a number of general provisions of unquestioned merit. It has demonstrated its capacity as a revenue raiser and prosperity producer, and that is a fairly good way to test the efficacy of a tariff law. Still, it would be a remarkable coincidence if all of the schedules should measure up to the standard fixed by the Republican platform. There are doubtless a number of items in the bill where the duties are unnecessarily high, and there may be other items where the duties are too low, and in my judgment the only way to make a tariff that will cover the difference in cost of production here and abroad with practical certainty and leave the American producer a reasonable profit is through the agency of a tariff commission.

It has been remarked that Congress ought to have provided for a tariff commission before entering upon the revision in 1909. During the last administration there was no considerable sentiment in favor of a tariff commission. Three-fourths of the Republicans thought it was unnecessary, and practically every Democrat disbelieved in it, because the question of the difference in cost of production has no place in the Democratic philosophy of a tariff for revenue only. There was no suggestion from President Roosevelt, publicly or privately, for legislation to create a tariff commission, and the present Chief Executive entered upon his work under a platform declaring in favor of tariff revision at a special session of Congress immediately following his inauguration. There was no time to create a tariff commission and enable it to make the investigation necessary for a general revision of the tariff. The Payne tariff law is the best illustration the country ever had of the absolute necessity for a tariff commission, to adjust customs duties upon a scientific and business basis. It is the first great evolutionary step toward placing our tariff ultimately upon a business basis, preserving always the policy of protection to American industries and American labor. Practically nine-tenths of all the Republicans are now convinced of the necessity of a tariff commission, and judging from the attitude of Democrats in this body a large percentage of the Members of that party believe the truth will do no harm, even in the making of a tariff for revenue only.

It will be the duty of the tariff board provided in the pending bill to collect trustworthy facts and classify them in such a manner as to readily show the cost of production here and in foreign countries of all commodities that may be the subject of tariff legislation. The board, of course, can make no tariff laws. It can make no changes in the schedules, but it can furnish Congress with reliable information showing the difference in cost of production with practical certainty. Tariff legislation must always be enacted by Congress, and the power to enact such legislation can not be delegated to a tariff board or to any other officer or tribunal.

The value of the investigations and reports of the tariff board will depend largely upon its personnel. The board should be composed of able, honest, high-minded men, whose standing is such as to command the confidence and respect of the entire country. No rabid partisan should be a member of the board. It would be a grave mistake, indeed, to authorize the House or the Senate to name any of the members of the board. Even if they should select absolutely fair and competent men, yet they would be discredited because of the general feeling that selections made by political bodies like the House and the Senate would be largely to subserve party ends. The President should make the selections, as is provided in the bill, and he will then be held responsible for the character of work that will be done by the board. The talk about a bipartisan board seems to me to be illogical. A bipartisan board—that is, a board made up of party men selected from the two large parties—would in a great measure defeat the very purpose of a tariff commission. The board should be made nonpartisan, as far as it is possible to do so. The members of the board should be above party influences and policies and should be actuated by a determination to ascertain the truth and nothing but the truth, regardless of its effect upon the fortunes of any political party.

A tariff commission will not and should not take the tariff question out of politics. The question of whether our customs policy shall be adjusted with a view of developing American industries or purely for the purpose of raising revenue is one that will and should be determined by the voters at the polls. It is impossible to determine that question in any other way.

but after it has been determined there need be and should be no politics in arranging the schedules. If the tariff policy of the country shall be protective, the tariff board should furnish the information that will enable Congress to fix the duties high enough to cover the difference in cost of production in this country and in foreign countries, allowing a reasonable latitude for profit, in accordance with the Republican platform. It will be simply a question of calculation and mathematics.

The reports of the tariff board, whenever they are acted upon by Congress, should be made public, and, whenever either branch of Congress or the President so requests, they should be made public. A tariff law based upon facts, collected by experts under the direction of the right kind of a board, would have the respect and confidence of all the people of the country. The report of the board should carry the means of demonstrating the accuracy and the justice of the schedules if they are established according to a scientific standard. It would allay agitation and promote stability. Many manufacturers of the country are earnestly in favor of a tariff commission. They look to the work of a commission to protect them against mistakes and ill-advised action on the part of Congress. Industries that feel the necessity of protective duties are always concerned whenever a tariff revision is undertaken for fear that by mistake or otherwise Congress may make the duties so low that they will not fairly cover the difference in cost of production here and abroad.

With a tariff commission that fear will be entirely allayed. There will be a sense of security throughout the country on the part of producers and consumers. There will be no suspicion that large industrial corporations are imposing exorbitant prices upon the necessities and comforts of life, for the country will know when the tariff is put upon the right basis that if any industrial institution unduly increases prices it will be possible and practicable to import commodities, and thus protect the people against unjust exactions. Where the tariff wall is unduly high that can not be done. Where it is only high enough to afford reasonable protection to legitimate industries, the consumers will rest in a sense of security, and the industries themselves will have no fear of the subject of tariff agitation.

This country has been making tariffs ever since its organization without the aid of a commission. In times past, when the chief purpose of the protective policy was to build up the home market, the question of the rate was given little concern, provided it was high enough, but we have reached a point in our industrial growth when we must look for markets abroad, and in order to meet the world's competition in the open markets our tariff must be established upon a business basis. Its purpose, aside from raising revenue, should be to promote in the highest possible degree the opportunities for employment of American capital and American labor in our own country. It requires time and education to change a method that has been in operation ever since the foundation of the Government. The country is to be congratulated that under this administration the Sixty-first Congress will have consummated that change and provided a method to make a just and scientific protective tariff.

I predict that when the board submits its reports and tariff schedules are reformed in accordance therewith, our manufacturing industries will have an impetus that they have not felt for a quarter of a century; that American manufactured commodities will find their way into all the neutral markets of the civilized world in an ever-increasing degree.

Mr. PAYNE. I yield four minutes to the gentleman from Minnesota [Mr. STEENERSON].

Mr. STEENERSON. Mr. Speaker, I am heartily in favor of this bill, and I feel that I can say I am indorsed by the action of the Ways and Means Committee in reporting this measure, for the reason that I was the first man since 1881 who introduced a tariff commission bill in the House of Representatives, for on January 28, 1907, I introduced such a bill, and some of its provisions are very much the same as the bill now before us. I then appeared before the Ways and Means Committee and urged favorable action, because it was expected that we would soon undertake a revision of the tariff. I consulted prominent members of that committee, and urged upon them the importance of having more accurate information with relation to the tariff; but I was met with this objection, which we now hear chiefly on the Democratic side, that it was unconstitutional to provide this kind of a body in order to help Congress prepare an intelligent tariff bill. I claimed then, and I claim now, that that argument is entirely without any foundation. It is no infringement upon the powers of Congress to provide a commission of this kind any more than it is an infringement on the powers of Congress to provide a monetary

commission or an interstate commerce commission. That commission is partly for the purpose of furnishing information upon which legislation can be based.

We had a commission here a few years ago upon the subject of the postal laws, and their report was a very valuable one. It furnished material upon which we could legislate and regulate railway mail pay. It is the ordinary method in which we can be enabled to legislate upon any technical subject. I say, therefore, that the argument that we are trying to infringe upon the powers of this House by creating a tariff commission is entirely without foundation. There can be no difference in the powers of this House in regard to legislation on the tariff or any other subject. The fact that the Constitution says that revenue bills shall originate in the House of Representatives does not make that subject any more sacred than any other great subject of legislation, and I therefore contend that this is a very appropriate measure and that it ought to pass.

Now, there is one provision in this bill to which I want to call special attention. The gentleman from Ohio [Mr. LONGWORTH] spoke about the National Manufacturers' Association. In 1908 I received a communication from that body, requesting a copy of my bill which I had introduced in the previous session, and I furnished it to them. It contained one provision that I think they did not like. That was one of the subjects provided for investigation by the tariff commission, which as stated in my bill was—

Fourth. To what extent the practice of charging a higher price in the domestic market than for exports prevails in the United States, and what relation, if any, tariff duties bear to such practice.

Now, naturally you would suppose that that association, who have been the sponsor for nearly every tariff-commission bill in the last two years, would have consulted me in preparing their bill; but they seem to have dropped me very suddenly when they discovered that I wanted to inquire into that subject, which evidently was dear to their hearts. However that may be, the present bill does, I think, convey sufficient authority to investigate that very subject, and I am glad it is so, because the commission is authorized to investigate—I read from section 3 of the present bill—

producers' prices and retail prices of commodities, whether domestic or imported, the condition of domestic and foreign markets affecting the American products, including detailed information with respect thereto.

This authority to investigate prices is broad enough in my opinion to include the investigation of the practice of selling for export at a lower price than for domestic consumption.

I want to say further, that I am glad to see that the members of the Ways and Means Committee have come over to my way of thinking on this subject, for they now appear unanimous in favor of a tariff commission.

I regret, however, that my advice was not taken in 1907 and 1908, when I urged such legislation. I remember well that with my colleague [Mr. TAWNEY] I went to the Speaker and pointed out the necessity of such legislation before we undertook tariff revision. Had that course been pursued, can any one doubt that we would have been better able to do that work?

I can not but remind the leaders on this side of the House of the fact that they refused then to take the action they are now—after the party has suffered defeat—about to take. Some people are fond of drawing analogies between military organization and discipline and organization and discipline of a political party in a legislative body.

It has been said that those who refused to follow Republican leaders in the late tariff fight here were guilty of an offense analogous to desertion, and that shooting was too good for them. Well, if that reasoning is sound, then the analogy should be carried further.

A military commander, who occupies an intrenched position and loses the battle to an inferior force, should at least abdicate, and in some countries should commit suicide.

Have our Republican leaders shown any disposition to do either? No; they come up smiling, and now adopt the tactics and plans of battle that were urged upon them before the late conflict, and which they then rejected with scorn and contempt.

I am glad to see that they have now come over to the commission idea, and only regret that it required party disaster to bring them over to that conclusion. A protective tariff to be free from abuse must be most nicely adjusted with reference to the cost of production at home and abroad. On July 9, 1909, while the tariff bill was in conference, I took occasion to discuss this matter and the origin of the plank in our national platform. At that time I said:

REPUBLICAN PLATFORM PROMISES.

The last Republican platform promised revision by a special session of Congress immediately after the inauguration of the next President, and declared that "the true principle of protection is best maintained by the imposition of such duties as will equal the difference between the

cost of production at home and abroad, together with a reasonable profit to American industries." The platform of 1904 declared "the measure of protection should always at least equal the difference in the cost of production at home and abroad." These allusions to the correct measure of protection never appeared before in any Republican platform. The question naturally arises, Why were they made? Why did not the party content itself with an adhesion to the general policy of protection, and declare that it was proposed to revise the tariff in harmony with that general policy for which the party distinctly stood?

The reason must have been that changed conditions, by reason of industrial, commercial, and financial progress and evolution, had resulted in pointing out the necessity for such a limitation in protective duties.

When the policy of protection was adopted, it was said that by this encouragement home manufactures and other industries would be so stimulated as to increase production and supply, resulting in competition at home sufficient to reduce prices to a reasonable level, and this prediction proved to be in the main correct for the first three or four decades, until the modern era of industrial combinations arrived, which enabled the producers of commodities in some lines to combine and eliminate home competition almost entirely, with the result that the domestic consumer, shut out from the foreign supply by the duty, became the victim of a monopoly in control both of production and prices.

It is an axiom in economics that where combination is possible, competition is impossible; and that combination is possible in the home market in many lines of dutiable articles has been proven over and over again in recent history. This, of course, is also true of nondutiable articles, but it is much more difficult to form a world-wide combination than one merely affecting domestic territory, and hence such combinations are comparatively rare. When our people saw the evils and dangers of this modern development they inaugurated a campaign against monopolistic combinations and trusts, whether they owed their existence to dishonest and unjust management of the transportation service of the country, to the tariff, to both, or to any other cause. This campaign has only been partially successful. It is still going on, and must go on until the evil is remedied.

It is a part of this campaign to remove the tariff as an element of monopoly, and that is the reason why allusion was made to the measure of protection in the Republican platforms. Where there is no combination, and no probability of combination in the production or supply of a commodity by the reason of the fact that it is supplied by a large number of independent producers scattered over a wide area or other cause, it is not so important that the duty should be within the above limitation, for in that case there can be no control of production, and hence the original law of home competition will do its complete work. When this evil of monopoly in protected articles first became apparent, it was proposed by some that the remedy should be a removal of all duties on these articles, and hence the demand for free trade in "trust-made goods." The Republican party never favored that proposition.

The removal of such duties, it was contended, would injure many small independent producers, subject great industries, employing hundreds of thousands of laborers, to ruinous competition from abroad, and inflict upon us a greater evil than that which it was sought to relieve us from. It was thought that a wiser course would be to pursue monopoly by rigorous enforcement of repressive laws and by a careful revision of the tariff, to the end that protection should only serve its legitimate end and object and afford no shelter to monopoly.

The Republican party has during the last as well as during the present administration applied the first remedy, and we are now in the act of applying the second. Hence it is of the greatest and most vital importance that we in this tariff bill observe the rule laid down in our platform as to the measure of protection as to all commodities on the dutiable list, in the production of which a trust or monopolistic combination either exists or is possible.

If the duty on such commodities be no higher than the difference between the cost of production at home and abroad, then no extortion can result, for the possibility of foreign competition is always present.

Where there is combination in control of the supply of a commodity which habitually sells in the domestic market at one price and for export at another price lower than the domestic price by the amount of the duty, it is pretty good proof that the duty in that instance is too high.

Those, I take it, were the reasons for the declarations in the party platform above referred to, and at no time has the necessity for such a limitation of protective duties been stronger and more apparent than at the present time. It is of the utmost importance to the welfare of the people that no article or commodity in which there is any reasonable possibility of combination or monopolistic control shall bear a higher duty than above indicated. In these times of successful combinations upon a large scale it will not do to say that the penal and repressive laws against monopoly and combination in restraint of trade are ample, for they will never exterminate the evil so long as we hold out fabulously rich rewards, in the shape of excessive duties, for their violation.

I have been surprised at the opposition to this bill from the Democratic side of this Chamber, who in the next Congress will have to undertake the work of tariff revision.

It is a significant fact, however, that the members of the minority who are on the present Ways and Means Committee, and who will be on the next, are in favor of the bill. It shows that those who have had the most experience in the actual work of tariff revision and tariff making recognize the necessity of some such board or body as is contemplated by this bill. I have been much disappointed in the remarks of the gentlemen in opposition with reference to the probable action of the President in appointing the minority members of the proposed tariff board.

The President in his appointments so far, it seems to me, has shown that he has the highest conception of this public duty, and that he has risen above the partisan in every instance. Look at his judicial appointments. Has he not selected Democrats for the highest places? Why, then, should the minority look upon this authority in this measure with so much distrust? I do not think they are sincere when they say they can not trust the President to select Democrats where the law requires minority representation, when they know that the President has ignored party lines in so many judicial and other appointments.

I think the President will take special pains to appoint the very best men obtainable of both parties for these places. The President has shown himself a sincere friend of the idea of a tariff board or commission. He believes in a scientific adjustment of the tariff in accordance with Republican doctrine. He is one of the pioneers in that work. He has already, through the present Tariff Board, begun the work. The work of such a board will, I sincerely believe, eventually lead to a nonpartisan tariff so that it will not be the football of party politics.

Mr. PAYNE. Mr. Speaker, I now yield five minutes to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Mr. Speaker, I am very glad to feel, with my Democratic brethren, that this is purely a question of policy and not a question of principle. We are charged with the duty of making a tariff bill according to Democratic doctrine, but in making that tariff bill we have the unquestioned right to use all the means within our power, whether they have been used by those of different political principles or not. I believe in a tariff for revenue, and I recognize the difficulty inherent in the subject in determining what is a revenue tariff. I have come to the conclusion similar to that so clearly and forcibly expressed by the gentleman from Wisconsin—

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. BORLAND. Certainly.

Mr. COOPER of Wisconsin. The gentleman says he is in favor of a tariff for revenue. Is he in favor of a tariff for revenue only?

Mr. BORLAND. I am.

Mr. COOPER of Wisconsin. There is a great distinction between a tariff for revenue only and a tariff for revenue.

Mr. BORLAND. I am; but in determining what is a tariff for revenue—assuming, as I believe the gentleman from Wisconsin intends it to be, that we are honestly seeking a tariff for revenue—we must have some standard in our own minds as to what constitutes a revenue tariff. A tariff that is so high that it excludes foreign imports is clearly prohibitive and not protective, but the logic of the protectionist can lead to no other goal. If the tax powers vested in Congress by the Constitution can be so juggled as to build up enterprises in this country, there is no line short of absolute prohibition of foreign trade.

Mr. GAINES. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. GAINES. Might I ask the gentleman from Missouri if he is in favor of putting a tariff on coffee?

Mr. BORLAND. Oh, I have answered that question; do not take up my time by such questions.

Mr. GAINES. The gentleman can refuse to answer, but he has not answered that question.

Mr. CULLOP. A tariff for revenue only does not mean a tariff on coffee.

Mr. BORLAND. It does not necessarily mean a tariff on any food product. A tariff for revenue does not exclude the idea of a free list. A tariff for revenue only is that law which raises revenue by letting into this country the foreign product. The tariff for revenue as distinguished from a tariff for protection depends to a large extent upon where the tariff for revenue begins. As far as the duty can be laid on foreign articles, and this means of producing revenue does not interfere with the trade and commerce, it is a tariff for revenue.

Mr. GAINES. Will the gentleman yield?

Mr. BORLAND. I decline to yield further. It has been asked what good will a tariff board do men who believe in a tariff for revenue.

I answer briefly that I favor it because the Democratic members of the Ways and Means Committee approve it and think it will be a help to them. It certainly would furnish better evidence upon which to base a revenue bill than has been furnished in the past by the hearings before the Ways and Means Committee. Experience has shown that those hearings are attended chiefly, if not solely, by representatives of the tariff beneficiaries and the protected interests. Their statements are always in their own interest. From my examination of the public record of those hearings I am convinced that nine-tenths of the testimony is hearsay, and much of it is unblushing perjury. Scarcely a line of it would be accepted as evidence of any fact in any court of justice.

It seems absurd that such testimony should be used as the basis for a great revenue bill to effect the economic conditions of 90,000,000 of people. The great organizations and trusts can always be heard before the Ways and Means Committee. This would be true even though the committee were unfriendly to them and were earnestly desirous of conducting an impartial investigation. The large organizations have ample fa-

cilities to present their side of the case with all the skill and adroitness of trained counsel. But the small business men and the independent business men, the retail merchant, and the producer—what facilities have they for an equal chance? And the poor consumer, who bears the entire burden in the last analysis, is not heard at all. In fact, a distinguished statesman has charged that the consumer is a myth. I hope that a tariff board, however organized and appointed, will be so controlled by the force of public opinion as to furnish not only to the Ways and Means Committee, but to all Members of Congress, to all business men, and to all taxpayers approximately the true facts upon a much distorted and misrepresented subject. I hope it will show us how much or how little real benefit labor enjoys from the tariff. I hope that it will help in some degree to banish from Washington during the tariff session the infamous lobby of protectionists which has disgraced the National Capital since the hour when the Republican Party first felt itself secure in the saddle. I hope it will, to some extent, allay the natural panic which is felt by business men all over the land when a proposal is made for a revision of the tariff. I hope the business men, large as well as small, wageworkers, and consumers will feel that such a revision is to be founded upon real evidence and conducted by a scientific method; that it is not a system of logrolling to secure the necessary number of votes by adroitly distributing unjust favors; that it is not a scheme of blackmail to fry the fat of campaign funds from unwilling contributors; that it is not a sectional matter to reward or punish favored localities; in short, that the tariff, if not wholly removed from politics, has at least been purged of some of the corrupt stains left upon it by the party of protection. It is said that for Democrats to ask for a tariff board to furnish detailed information upon economic conditions is equivalent to a vote of want of confidence in themselves.

It is affirmed by some sincere Democrats that we have told the people so often that we know how to revise the inequalities of the tariff that it is our duty to do so on the information which we possess. For one I am not ashamed to admit some lack of confidence in my own complete knowledge of this complicated subject, and even if I felt I knew all about it I should still feel that it was wise that every voter in the land should have all the facts before him and know as much as I did. Before we can judge of what would be an honest revenue tariff I feel that we must know the cost of producing the article in this country and, as near as possible, the cost of producing a similar article in countries from which competition may come. I can not tell whether a particular rate of duty is a revenue duty or a protective duty without some approximately correct figures on this subject. If the revenue of the Government, or a substantial part of it, must be raised by tariff duties, it is apparent that Democrats must vote for some sort of tariff. We can not, as Democrats, vote against all tariff. The difference in principle between us and the Republicans, as I understand it, is that the Republican believes the taxing power of the Government can be used, and should be used, to control economic conditions by advancing or depressing the price of all articles which the consumer buys. He believes that this will produce prosperity. The Democrat, on the other hand, believes that the only necessary function of the tariff is to raise a revenue; that the revenue should be limited to the needs of the Government honestly, economically, and efficiently administered; and that the tariff duty should be so adjusted as to interfere as little as possible with the course of trade. He believes that if the tariff is allowed to become a matter of benefit its profits will accrue solely to a few protected interests at the expense of the producers, the laborers, and the entire consuming public, and that it is impossible to distribute tariff benefits in the way the Republicans claim they are distributed.

Under this view it becomes important to the Democrat who believes in a tariff revenue to determine not only the rates of duty that can be honestly levied, but also the articles upon which it can be honestly placed. To solve these questions I, for one, should like to know how many men are employed directly or indirectly in a given industry, that I may know how many people will be affected by a tariff upon that article. I should like to know how much of the trade in the article is in the hands of the American and how much in the control of the foreigner. I should like to know whether the raw material of which it is produced is a home product or an imported one. I should like to know whether by lowering the rates of duty upon raw materials from abroad we can have them brought into this country in substantial quantities and made into the finished product by the employment of American workmen. I should like to know how much of our own raw material we can manufacture at home and send abroad in its finished product rather

than in its crude state. I believe that it is an economic loss for us to export wheat when we could export flour. I believe that all foreign trade must be founded upon a mutual exchange of products. It is reciprocity in its truest sense. Our merchants and manufacturers can not expect to control the trade of Central and South America unless they buy something from those countries. We can not expect the producers of Latin America to ship their goods to Europe and sell them there and have their bank balance there, and then withdraw their money in cash from the European banks and send it to America to buy goods. We can not erect a tariff wall against our American neighbors and then sit down and expect them to carry the wall by assault. We can not go after trade with a big stick. If we would build up a profitable international commerce with our southern neighbors and would utilize as we should the enormous investment we have made in constructing the Panama Canal, we must begin at once to cultivate a fair reciprocity of trade. Our statesmen and our business men must learn what products of South America can be profitably imported into this country for the use of our merchants and manufacturers.

As soon as we get these southern neighbors in the habit of shipping their products here and of finding a market for them without the barrier of a tariff law and without oppressive trade regulations, we shall find that as we begin to owe them money for goods which we have bought from them we shall begin to sell them our manufactured products in return. Thus the output of American capital and skilled American labor will find a profitable and convenient market. To my humble judgment this seems more sane, more honest, more in accord with our Constitution, and more hopeful of results than paying out of the Federal Treasury enormous ship subsidies to favored steamship companies to run empty ships between our ports and South America. Possibly I am optimistic in feeling that all of these facts could be developed by the aid of a tariff board, but if any of these objects could be furthered thereby I believe I am wholly within the lines of the Democratic doctrine in seeking such results.

I realize that this tariff board will be appointed by a President who has affirmed his belief in the doctrine of protection. I am not shallow enough to believe that he can divorce himself entirely from personal and political interests, or that he will appoint a board entirely at variance with his own economic and political views. I know that we as Democrats in voting for a tariff board must place principle above partisanship and rely upon the broad common sense of the American people and the tremendous power of public opinion to keep that board well within the control of the people. With the last expression of the will of the people at the polls in 1910, and with the lower branch of Congress in the possession of the Democratic Party—including the power over the appropriations for this board as well as other branches of the executive government—I have no hesitation in taking the chance. I feel that the Democratic Party in Congress, backed by the expressed will of the people, can not be ridden over roughshod by any board created by the President.

We are told by Democrats on this side of the House that we are creating a commission of masters in this tariff board. I do not so believe it. I believe that we are creating a band of servants and not a band of masters, and it is not only unconstitutional, but it is unthinkable, that we would create a tariff commission and delegate to it the powers to fix the rates of tariff duties vested in this Congress. I hope this bill will pass. [Applause.]

Mr. HARRISON. I now yield one minute to the gentleman from Texas [Mr. BEALL].

Mr. BEALL of Texas. Mr. Speaker, the gentleman from Ohio [Mr. LONGWORTH] manifested some pride in the parentage of this bill. A long time ago it was said that wise men change. Upon that basis I want to establish the fact that the gentleman from Ohio is entitled to rival Solomon of olden time. [Laughter.]

Two years ago he made a speech on the tariff in which he said:

We hear a good deal nowadays about the necessity for a tariff commission—a commission of experts to advise Congress in tariff matters. I venture to say that this Government has to-day the best tariff commission in the world in its various executive branches and in the extremely efficient clerk and the assistants of the Committee on Ways and Means.

[Laughter.]

The gentleman, when he thought his party was secure in power, was opposed to a tariff commission. To-day, when he realizes that it stands under the shadow of the gallows, he is in favor of a tariff commission. [Applause and laughter on the Democratic side.]

Mr. LONGWORTH. Will the gentleman please ask to have his time extended one minute so that I can ask him a question?

Mr. HARRISON. Mr. Speaker, I think that the gentleman from New York [Mr. PAYNE] can give the gentleman time enough to do that. I have so little time that I can not spare any. I hope the gentleman will not think me discourteous.

I yield two minutes to the gentleman from Indiana [Mr. Cox].

Mr. COX of Indiana. Mr. Speaker, I regret very much that I find myself differing with my distinguished leader on this side of the Chamber, but when it comes to yielding my individual opinion on the one hand or following another opinion on the other, I part company; and therefore on the measure pending this evening I am unqualifiedly opposed to it. In the State of Indiana this question, over and above all others, was the sole and only issue that we fought out. In my weak and humble way, endeavoring to represent my people as I conscientiously believe they ought to be represented, I can not bring my mind to support this measure. I believe it to be wrong in principle; I believe it to be wrong in policy; and this evening much argument has been made on the floor of this House that the manufacturers of this country are in favor of a tariff commission. Why are the manufacturers in favor of it? Why do they come to the city of Washington for the purpose of holding a convention, and inviting certain persons before their body for the purpose of being heard? Is that for the interest of the mass of the people, or is it for the interest of the Government of the United States, or is it for their individual and sole interest? In my judgment every tariff bill that has been passed by Congress in the last 20 years has looked after the interest of the manufacturer, while the interest of the millions of consumers of the country was practically forgotten. I am a little suspicious that, as the manufacturers are solidly for a tariff commission, they see behind this bill some way, some manner, whereby their interests will be protected.

The Democratic Party from time almost immemorial has stood for a tariff for revenue only, and I fear that the purposes of this measure will not be to enable Congress to prepare a tariff measure having in view solely the raising of revenue to support the Government. But I fear that the purpose of this measure will ultimately be to lead Congress to enact a measure based along protective lines. The objections to the measure are many, and may be summarized as follows:

In the first place, it will be at a tremendous cost to the people. Already Congress has spent \$300,000 upon its present Tariff Board, created by the act of August, 1909, and as yet, so far as the country knows, it has not made a single report in the way of getting data, either to Congress or to the President of the United States. And there is being urged at this time, before the Committee on Appropriations, an appropriation of \$400,000 for the carrying on of the work of this board for the next ensuing year. At this rate of the expenditure for this purpose Congress in a very few years will be appropriating a million dollars per year for the maintenance of this Tariff Board.

I believe it to be a useless expenditure of the people's money. Already we have established in the Department of Commerce and Labor a Bureau of Corporations, a Bureau of Manufactures, a Bureau of the Census, a Bureau of Labor, and a Bureau of Statistics—any one of which, in my judgment, is well equipped at this time to gather all the data and information which may be needed by Congress to enable it to write a tariff law for revenue only.

Section 7 of the bill is exceedingly obnoxious to me, because it provides that the reports or data gathered by the board can be called and secured by the President at any time when he desires it, or it can be procured by either House of Congress at any time either House may demand it. But before either House of Congress could get possession of this data it would be compelled to pass a resolution through either House of Congress asking the board to make its report to it. Either House of Congress that may be opposed to getting this information could easily defeat the getting of it by voting down a resolution when an attempt would be made to pass it through Congress. So far as Congress getting the information, it places complete power in any party which may be opposed to it to prevent Congress from getting possession of this data, while the President is given the power to have the information given him, but he is at liberty to do as he pleases about it, to either transmit it to Congress with or without his recommendations or to keep it, as he sees fit. I believe the country is demanding publicity on all important questions, and I believe these reports should be made direct to Congress at the beginning of each session thereof, and let all the knowledge and information go to the country. Hold nothing back from the people.

For these reasons and many others I am unalterably opposed to it.

Mr. Sisson. Mr. Speaker, of course I can not in the short time allotted to me discuss the merits or demerits of this bill, but it is revolutionary, and this House should consider well before it takes a step so far-reaching in its possible effect upon our form of government. I am indebted to the gentleman from Wisconsin [Mr. LENROO] for the use of strong language, which, if it had been used by me, would have subjected me to very severe criticism upon the ground that it came from strong partisan feeling and was not warranted by facts. In speaking of what the various interests of this country wanted in tariff legislation, and especially the highly protected manufacturers, he used this language: "A license to steal was what some people wanted." It happens that those who have had this license and who now have this license to steal have been granted this license by his own party, which has been in power for many years. I am glad this admission comes from a Republican, because this has been what we Democrats have contended for years. [Applause on the Democratic side.] This admission, coming as it does from the other side of the Chamber, is the severest possible arraignment of the policy of the Republican Party and of the Dingley and Payne-Aldrich bills. [Applause on the Democratic side.] No wonder the party is rebuked at the polls.

Mr. Speaker, I can not as a Democrat subscribe to this bill to create a tariff commission. It is a concession to the Republican idea of protection. It admits that the doctrine of protection is proper. It is a surrender of the Democratic doctrine that the tariff is a tax, and should be levied for revenue only. It is a concession that Congress should consider as constitutional and lawful the contention of the protected interests that before you should change a schedule in the present tariff law you should ascertain how it will affect that special interest that has so long enjoyed the monopoly of the American market. It is an admission that "the right to steal," using the language of the gentleman from Wisconsin, should continue until you get a report from this commission, giving Congress the facts as to the amount stolen. It is the assertion by a Republican Congress of a right to protection under our Constitution, and every Democrat who votes for it is filing a plea of confession and avoidance—confesses the right, but avoids by saying at most, "You have too much protection, and as soon as we get the facts we can give the country a better tariff than the Republicans." It is an admission that a Democratic Congress, that would at once write a tariff bill, would make a blunder, and that the country should not elect a Democratic House, Senate, and President until they have more information on the tariff. It forces the Democrats in the coming campaign to forego the tariff as an issue and to rely upon something else, because every Democrat who votes for this bill will be compelled to say, "I voted for it for the very good reason that I wanted more facts before changing the tariff." And the Republicans will say, "Yes; and when we get the facts we will give the people a tariff in accordance with the finding of the facts by this commission, and therefore there can be no issue for the present between the Republican and the Democrat." How, I say, can any Democrat who votes for a tariff commission ask for an immediate revision?

Mr. Speaker, when the Republicans were in power in the House, they wrote tariff bills without a commission to report facts. They were willing to write tariff laws from their point of view, and by so doing admitted that they were capable of the task. But since they failed to satisfy the demand of the people for an honest tariff revision and lost the House on the issue they come now and endeavor to lead the Democrats into a well and smoothly set trap, and if we get caught they will hold us and return to power in the next general election. What has become of our Democratic courage? Shall we now surrender all the fruits of our victory? [Applause on the Democratic side.]

Mr. Speaker, section 3 of this bill violates every Democratic position on the tariff, and it is in almost the exact language of the last Republican platform. When a Democrat votes for this bill he votes for the creation of a tariff board whose duty, as laid down in section 3, is to carry out by its finding the position assumed by Mr. Taft and the Republican Party in its last platform. If this is the new Democracy, then there is nothing in the old and we have been wrong for a hundred years. So has Jefferson, Jackson, Benton, Bryan, and all the great Democrats of the past and present. The Commoner says:

Does any one believe that it would be "good politics" for the Democratic Party to surrender its principles and abandon its high purpose at the very moment when those principles are becoming popular with the rank and file of all parties?

Will Democrats be led by the nose by Republican leaders into a ditch by securing their support of this bill?

Mr. Speaker, this bill is in direct violation of the letter and spirit of the Constitution as construed by the Democratic Party from the foundation of this Government down to the present time, including the last Democratic platform. I am absolutely astounded that Democrats should support a bill which virtually includes in it the announcement of the last Republican platform. We, as Democrats, contend that a tariff for revenue is the only tariff that ought to be levied. We contend that the right to levy a tariff tax sufficient to run the Government economically administered is the only tariff which Congress can levy under the Constitution, and that more than this is unconstitutional, and therefore robbery. Yet under this bill it is the manifest purpose of those who propose the bill to make the tariff anything but a tariff for revenue, because under the very language of the bill itself the information is not for that purpose, and it will be so construed, not only by the President but by any commission that he may appoint. There is no word, line, or syllable in the bill that even hints at a tariff for revenue only. The whole context of the bill shows who its sponsors are. PAYNE, DALZELL, and LONGWORTH, all of whom are the rankest protectionists, would not draw a bill which would permit the creation of a commission that could, even if they would, injure their idol—protection. Be not deceived, fellow Democrats. Bring no Grecian horse into our Democratic walls. None but protective-tariff Democrats can afford to vote for this bill. There is not a line or syllable in the whole bill that hints at a Democratic tariff, and it is not designed to get that result, but to prevent it.

Then, again, Mr. Speaker, whose tariff commission is this? Will it be a tariff commission of the House or of the President? If it is to be in any manner dominated by the Executive, then every self-respecting Member of this House should vote against it. The Constitution has placed the power to originate all revenue bills in the House of Representatives, because it is the exercise of the taxing power, the most dangerous power ever vested in government. As a protection to the people against an abuse of this power, the framers of our Constitution very wisely lodged the power in the popular branch of our Government, who are compelled to go before the people every two years, and if this branch abuses the power the people have their remedy at the polls. Therefore, if there is a commission appointed, it should be appointed by the House and absolutely under its control. Under this bill the reverse is true. The commission is appointed by the Executive and is absolutely controlled by him. He can remove them at pleasure. He can withhold any information he desires from Congress and can dominate their counsels. The people's branch of government can not rid themselves of the commission. The people may elect a House and a Senate, and if the President is of another political school from both branches of the legislative department, this commission can become a club in his hands to embarrass these two branches. They could defy both branches of Congress. The only remedy would be that of impeachment or to withhold the salary by refusing to make the appropriation. But this, as Mr. Jefferson has said, is not even a "scarecrow." Congress will never have the courage to exercise either of these remedies.

Congress, and especially the House of Representatives, is rapidly losing its position of importance in all matters of legislation. It is continually shifting its burdens to commissions and bureaus, and seems to feel that these commissions and bureau chiefs are more qualified to direct legislation for the people than are they themselves, who are sent here by the people for the purpose of controlling absolutely all matters of legislation. What particular virtue is there in an appointment by the President to a place on a commission that makes the commission so wise and infallible that it alone can get reliable facts and information? And what vice is there in holding a seat in this House, at the hands of the people, that renders him so fallible and untrustworthy that he can not, when placed on the Ways and Means Committee of the House, be relied upon to get facts and information? Away with such folly!

It is an insult to the intelligence of the American people and to every member of both Houses of Congress. It is a terrible indictment against the honesty and intelligence of the Republican Party in the past, except upon the theory that they are afraid to trust the Democrats to do what they themselves have always said that they could do when they were in power. President Taft told the country that the Republican Party had wisdom and intelligence and facts enough to write a tariff bill when they were in power and that they had upon these facts made the Payne-Aldrich bill "the best tariff bill ever written." What a change, my countrymen, in 12 months! No; it was not facts that this Republican Ways and Means Committee lacked; it was an unwillingness to act honestly upon the facts. The Ways and Means Committee that made the last

tariff were controlled by those who enjoyed special privileges under this tariff at the expense of the American people. [Applause on the Democratic side.]

Gentlemen of the House, are you not transferring the right of this House under the Constitution to the Executive, when you permit the Executive to select these men on this commission to gain information for you? Are you not permitting the Executive to exercise a control over the legislative department, which is a dangerous precedent? If you do this, have you not then virtually transferred the right to make a tariff bill from the House to the President, because if you give me the right to name the men who shall gain the information, I then will write the tariff bill for you?

Mr. Speaker, if we had a Democratic President I would be more opposed to the passage of this bill than I am now, because this would be a surrender of the dearest of Democratic principles, the absolute separation of the three departments of government; that is, the executive department shall in no wise dominate, direct, intimidate, or control either of the other departments.

Within the past few years the Executive lash has been wielded as never before, and like dumb driven cattle the Members of this House have been lashed into line, and have been compelled to do the Executive bidding. Unless this tendency is checked our free institutions will perish from the earth, and in their stead we will have an imperial despotism.

In conclusion, Mr. Speaker, I appeal to the Democrats not to vote for this Republican measure. Let not a Democratic House be embarrassed by a Republican tariff board in writing a tariff bill. [Applause on the Democratic side.]

Mr. HARRISON. I yield two minutes to the gentleman from Mississippi [Mr. BYRD].

Mr. BYRD. Mr. Speaker, I was taught in my early life to "beware of the Greeks bearing gifts." The fact that the most stalwart Republicans, whose very souls are steeped in protection, are enthusiastic advocates of this measure ought to challenge the most earnest consideration of every Democrat present to-night. When did anyone ever hear of a Republican advocating any measure touching the tariff that did not mean the plunder and spoliation of the people? [Applause.]

When we seriously consider this proposition and note the lamentable fact that it is not only supported by the leaders of the Republican Party, but by those of our own creed, we are almost convinced that Gen. Grant spoke the truth in his trite saying about the Democratic Party.

Mr. HOWLAND. What did he say?

Mr. BYRD. In substance and in vigorous English he said that whenever the Republican Party needed help they could always depend upon the mistakes of the Democrats for relief. [Applause.]

In all free governments when the party in power has been dethroned at the ballot box it surrenders to the successful party all the prerogatives incident to the administration of the government. But this ancient principle of popular government is ignored in dealing with this all-important matter. The party in power was outlawed and discredited at the ballot box in November last for its treachery in dealing with the subject matter of this bill, and yet it has the audacious presumption to embrace this method of further entailing its greed and graft upon the country.

Mr. Speaker, briefly stated, this bill proposes a permanent tariff board or commission composed of three stalwart Republican protectionists and two weak-kneed Democrats, who shall exploit the world in search of data from which the Democratic Party is to be directed in writing a new tariff law. But we are told that this board is to be appointed by the President, to consist of five nonpartisan members, and not more than three of whom are to be of the same political faith. This sounds like a fair and reasonable proposition, but in the light of 40 years of Republican history how can any Democrat be convinced otherwise than that this board will be named and dominated by the minions of the trusts? [Applause.]

Mr. Taft may be a great and good man, but when he would do good, evil is always present. His backbone would have to be as inflexible as a steel rail to withstand the overtures of sordid wealth when it comes to naming the membership of this board.

How many orthodox tariff reformers has the Republican Speaker ever named for the minority on the Ways and Means Committee? Have not many of them had so many frills and fringes upon their tariff views as to repudiate the long-recognized doctrine of the party enunciated in every Democratic platform since 1840?

This tariff-board proposition is a confidence game, pure and simple. Its victims are to be the people who have repudiated by more than a million votes the false pretenses of the Repub-

lican Party and committed outright to the Democratic Party the trust and duty of the execution of their immediate demand for downward tariff revision. The last national Democratic platform declared that the people should not trust the important work of tariff revision to a party wedded and obligated to highly protected interests. But, notwithstanding their downfall and the well-known mandate of the American people, the cohorts of protection have undertaken this confidence game.

The national platform upon which President Taft was elected declared that the true principle of protection was best maintained by the imposition of such duties as will equal the difference between the cost of production at home and abroad, together with a reasonable profit to American industries. Of course, this is the old Republican doctrine; and that the President and his subordinates on the proposed tariff commission would loyally adhere to that doctrine in all that they have to do there is not the slightest doubt in the minds of anybody who has the faintest knowledge of politics. The information to be secured by this commission must be obtained with a discriminating view to profits for American industries, as though it were the bounden business of the Government to insure profits to private enterprise.

If the people were outrageously deceived in the campaign of 1908 they showed they had opened their eyes in 1910. But, despite that great awakening of public intelligence and arousing of the common conscience, along comes this tariff-board idea, the creature of a Republican Congress and the inspiration of a Republican President, another scheme of delay, another attempted cheat, a colossal deceit, a monstrous fraud. Who will pretend to say that this commission, which is to begin existence July 1 next, will be ready with adequate information needed for a Democratic House to begin next December the immediate downward revision of the tariff? The history of these commissions shows delayed action upon every problem they were intended to solve. All of them, notably including the Monetary Commission, are but parts of sharp practices in the confidence game of a discredited and deceitful political party, playing for longer lease of power through that ancient scheme of corruption which had its climax in the final rotten dissolution of the Roman Republic, the creation of useless offices and the shameless expenditure of public money for private uses.

It is the old Republican Party policy to pile up Government expenses in order to make necessary the imposition of the greatest possible burdens of taxation which the people would stand without revolution, pouring the wrongly wrung fruits of extortion into the coffers of special interests and into the outstretched, itching palms of conscienceless political leaders and the swarms of underlings of the bureaucrats and commissioners.

Shall the Democrats be fooled and give befuddled consent to a continued practice of the protection principle that the more general the burden of taxation on the masses the greater their chances of prosperity?

The Democratic Party always won its greatest victories by straight, honest, undaunted battle for the least taxation necessary to provide means for an economical government administration, with a view solely to equality of opportunity and equality of burdens. On that kind of a platform they won the election of a President in 1876, when the Republican Party was striving to keep on with the war tariff, swollen by the greed of special interests that were the forefathers of the trusts of to-day. The Democratic convention of 1876 declared public office was for public trust and not for private perquisite. It declared that protection was robbery of the many to protect the few. Terrifically arraigning the Republican Party for its long orgy of extravagance and corruption, that platform's parting words to the people of the country were in this wise and brave assertion:

The demonstration is complete that the first step in reform must be the people's choice of honest men of another party, lest the disease of one political organization infect the body politic, and lest by making no change of men or parties we get no change of measures or real reform.

This proposed tariff commission—bipartisan as it may pretend to be—is no answer to the unmistakable demand made last November for a change of measures and a change of parties. At the very best, at the most charitable conclusion, it assures only indefinite delay in the duty of the hour to drive from the door of a long-suffering people the insatiate wolves of tariff extortion. It will do nothing the people have a right to expect, nothing in sheer justice they sorely need, and nothing that in righteous indignation they have commanded and do now demand. It is a cheat, a fraud, a sham.

Again, Mr. Speaker, the time has arrived when we should call a halt on infamous policies of government by bureaus and commissions. The party in power has created in the past decade more than 30 of these boards or commissions, expend-

ing annually from \$100,000 to \$1,000,000 each, and in many instances the duties performed by these barnacles upon the administrative machinery could and should be discharged by the great departments of the Government. It is the policy of the Republican Party to provide soft places by such measures as this for its members turned out of office at the ballot box, and I dare say that more than one of the dethroned leaders of this House are already applicants for membership on this board.

But, sir, there is a far more serious objection to this measure. It sacredly guards the pillage by the manufacturers and trusts, but says not a word about the 90,000,000 consumers. It should provide an investigation of the effect protection has on the cost of living.

There are millions of our poor who are without clothing and wholesome food on account of trust prices, and our schoolrooms in the densely populated sections are crowded with hungry, shivering children, and there is no one to speak a word for them. It is far more important that the bread lines and soup houses supported by charity be abolished than that a few manufacturers should be made millionaires by legislated profits.

Cheap food and cheap clothing would bring joy, health, and happiness into a million American homes and check thousands who are drifting into anarchy and crime. Feed, clothe, and educate the poor and they develop into stalwart citizenship to represent the country long after the rich have perished in the cesspool of debauchery.

Permit me to say to our Democratic friends who are inclined to support this measure that the framing of a tariff bill is not such a stupendous undertaking as to necessitate the assistance of any Republican. The people fully appreciate the difficulties to be encountered in framing a law that would be acceptable to a Republican Senate and President; they only expect our party to do its full duty in this behalf unaided and unassisted by our well-known enemies.

What more information is necessary to convince us that the Beef Trust, Steel Trust, Glove Trust, and many others are barricaded behind the tariff wall of from 25 to 150 per cent, or that the home consumer is compelled, on account of high tariff duties, to pay from 10 per cent to 25 per cent more for his nails, wire, agricultural implements, sewing machines, typewriters, canned beef, and other food products than is now paid for the same article manufactured here purchased by the foreign consumers?

This intolerable outrage has been explained and exposed so often in every hamlet of the Nation as to cause an uprising of the masses who demand immediate relief. Why not grant it? Republican affiliation in the discharge of this trust would invoke the contempt of the country upon the Democratic Party and would ever blast its hopes of permanent control of the Government.

To relieve the people of the iniquities of this tariff was the issue upon which we won the victory last November, and we must assume the responsibility of discharging alone this obligation or step down and out forever.

Mr. HARRISON. Mr. Speaker, I yield the balance of my time, two minutes, to the gentleman from Indiana [Mr. KORBLY].

Mr. KORBLY. Mr. Speaker, I am opposed to this bill, not because I am opposed to gaining knowledge, for I would know all things. I am not a bit astonished that the gentlemen on the other side feel the need of knowledge. I have been conscious of that need on their part for 25 or 30 years. [Applause on the Democratic side.] And truly one portion of the Republican Party is making great progress in knowledge in that they have renounced the ancient doctrine of a protective tariff. All these tariffs given by the Republican Party have been upon the basis that the rates covered the difference in the cost of production at home and abroad. Now, I have not lived very long and I have not had a great deal of political experience, but I have lived long enough, Mr. Speaker, and had enough public experience to know that the difference between the cost of production at home and abroad has nothing whatever to do with a tariff for revenue only. [Applause on the Democratic side.] There are some things in the Payne-Aldrich bill that enjoy very high rates—protective rates, if you please; rates that may be truthfully characterized as prohibitive rates. Nevertheless these same things can be produced cheaper in this country than in any other country in the world. Yet these things may be made to yield a revenue to the United States.

If the Democrats commit themselves to the proposition that the difference in the cost of production at home and abroad is related to the question of a tariff for revenue only, and find out that certain things can be produced cheaper in this country than abroad, if a commission is needed for that purpose, they will shut themselves off from the opportunity of using these things as revenue producers. When Mary of the vine-clad cot-

tage was disturbed over the fact that this tariff question would probably threaten her seat in the United States Senate, she cooked up a tariff-commission convention down in the great city of Indianapolis, which I have the honor to represent here, and utilized that device for delay and postponement so often used by those who are embarrassed by any subject and proposed having the whole subject referred to a tariff commission. This was intended to take the tariff out of politics.

The tariff commission was opposed by the Democratic candidate for President, the Democratic candidate for the Senate in Indiana, by a Democratic Senator from Indiana, and by nearly all the Democratic candidates for the House of Representatives in that State. And you may imagine how it startled me when I learned that some of the Democrats in the House of Representatives were likely to commit themselves to this proposition, thereby surrendering the great principle on which the Democratic Party has always gone into these tariff fights, and appropriating the principle upon which the Republicans have always conducted the fights, whether they be progressive Republicans or otherwise. [Applause on the Republican side.]

The tariff commission has been proposed as the only road to true tariff reform. The people of Indiana rejected this method—probably in the knowledge that a tariff commission has heretofore been used for the purpose of saving protection.

Mr. DOUGLAS. Mr. Speaker, it is with very profound satisfaction that I welcome the opportunity to vote for this measure, and that satisfaction is both partisan and patriotic. I welcome the history of this bill. It was introduced by my Republican colleague from Ohio [Mr. LONGWORTH]. It was brought in to-day under a rule from a committee with a Republican majority, and reported by the Ways and Means Committee, controlled by a majority of my party. I believe it to be wise and progressive legislation. Therefore I believe it will redound to the honor of the majority party of this House as it ought to redound.

Mr. JAMES. Why did you not adopt it eight years ago, then?

Mr. DOUGLAS. I decline to yield in the three minutes of time allotted to me.

Mr. JAMES. That is what I thought.

Mr. DOUGLAS. I believe that the information that this permanent tariff board will give to this country is not only more information than we have had from any of the hearings of the Ways and Means Committee, but a different kind of information, because disinterested information and information in which the country itself will feel confident. But, above all, I welcome this tariff board, with its increased dignity by reason of its permanency and the salaries that are given to its members, because I believe that the remedy for the ills of democracy is more and ever more of democracy. I sincerely believe it to be true that much of the opposition to the Payne bill was due to misinformation; therefore I welcome what I believe will be information upon any future tariff bill, no matter by whom prepared, that the country itself will rely upon. The reports of this board made, as they will be, to Congress, and therefore made public, will bring the action of Congress upon any particular schedule under public scrutiny and under public criticism, and I believe that whenever that is done it is well for the Members of the House and well for the country at large. [Applause on the Republican side.]

Mr. PAYNE. Mr. Speaker, I yield four minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Speaker, I am not a new convert to the idea of a tariff board or commission. I was in favor of the plan, and introduced a resolution providing for it long before the gentleman from Minnesota dreamed of introducing a resolution for that purpose. [Laughter and applause.] I introduced the resolution on the 11th day of December, 1906.

Mr. JAMES. This ought to be the "Campbell bill," then.

Mr. CAMPBELL. However that may be, I am in favor of this bill, because I am a Republican and a protectionist. I believe—

Mr. CLAYTON. And that is the reason I am against it. [Applause on the Democratic side.]

Mr. CAMPBELL. I believe that the principles embodied in this bill will become the bulwark of protection to every American industry. I am confident in the hope that schedules will be fixed hereafter making rates so as to equal the difference in the cost of producing all competitive articles at home and abroad.

Mr. KITCHIN. And a little profit?

Mr. CAMPBELL. And a little profit. [Applause on the Democratic side.] I appreciate the applause, but I do not want it taken out of my time.

I would not have a single American dollar lose employment, nor a single American laborer lose his job, nor a single American farmer lose his market for a single product of the soil.

Mr. CLAYTON. What are you going to do with Canadian reciprocity?

Mr. CAMPBELL. I shall vote against any proposition that would admit the products of the farms of any other country into our market to compete on equal terms with the products of our own farmers.

Mr. CLAYTON. That sounds like a Republican.

Mr. CAMPBELL. I think it does, for I would not take away from the American farmer the best market in the world and divide it with anybody.

Mr. CLAYTON. That sounds like one of the old-time Republican speeches.

Mr. CAMPBELL. It is my doctrine, and it is the doctrine that my party has been standing for ever since 1860.

Mr. CLAYTON. You rob him with the tariff.

Mr. CAMPBELL. No; we give him a market with the tariff; and I would protect every American industry that needs it, including the market of the farmer.

Mr. JAMES. But President Taft would not.

Mr. CAMPBELL. Oh, I think he would.

Mr. CLAYTON. Would you protect cotton, for instance?

Mr. CAMPBELL. I would, if it needed it.

Mr. CLAYTON. How?

Mr. CAMPBELL. By protecting any industry that would suffer from foreign competition, including cotton.

Mr. KITCHIN. You really believe, then, that this tariff commission is an aid to protection?

Mr. CAMPBELL. I believe it is. If I did not think it was, I would not vote for it. If I were a free trader or opposed on general principles to a tariff for protection, I would not vote for this bill.

Mr. KITCHIN. You do not think, then, that a tariff commission will aid the Democrats in the next Congress in writing a good Democratic bill.

Mr. CAMPBELL. No; nothing could aid the Democratic Party to make a good tariff bill.

Mr. KITCHIN. It will be a hindrance to that, will it not?

Mr. CAMPBELL. I am not opposed to putting obstacles in the way of the Democratic Party.

Mr. KITCHIN. And you believe this tariff commission will be an obstacle, do you not, now, honor bright?

Mr. CLAYTON. Come down to brass tacks and tell us.

Mr. CAMPBELL. Any information would be an obstacle to the Democratic Party. [Laughter.]

The SPEAKER. The time of the gentleman from Kansas has expired. The gentleman from New York [Mr. PAYNE] has one minute remaining.

Mr. CLAYTON. Will the gentleman from New York give that time to me?

Mr. JAMES. A parliamentary inquiry. Did not the gentleman from Kansas have one minute and a half remaining?

The SPEAKER. He did not.

Mr. JAMES. I was in hopes he had.

Mr. PAYNE. If there are no amendments, I suppose it is in order to have the bill go to a third reading.

Mr. JAMES. There are some amendments, but I wish to ask the gentleman a question before he sits down.

Mr. PAYNE. I do not take the floor for debate.

Mr. JAMES. I desire to offer an amendment.

Mr. MADDEN. I desire to offer the following amendment.

Mr. POINDEXTER. I wish to offer an amendment.

The SPEAKER. The gentleman from Washington [Mr. POINDEXTER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert in section 7, page 5, line 15, after the words "in Congress," the following:

"And whether called for or not, said board shall publish an annual report, setting forth the results of its investigations."

Mr. POINDEXTER. Mr. Speaker—

Mr. HARDY. Mr. Speaker, I offer the following amendment—

Mr. MACON. Mr. Speaker—

The SPEAKER. The gentleman from Washington [Mr. POINDEXTER] has the floor on the amendment he has just offered.

Mr. POINDEXTER. The purpose of this amendment is to require—

Mr. CLARK of Missouri. I wish you would have that amendment reported again.

The SPEAKER. If there be no objection, the amendment will be again reported.

The amendment was again read.

Mr. MADDEN. I desire to offer an amendment to the amendment.

Mr. CLARK of Missouri. Whose amendment is that?

The SPEAKER. The gentleman from Washington [Mr. POINDEXTER] has offered an amendment and has the floor, unless he yields the floor.

Mr. POINDEXTER. Mr. Speaker, I do not desire to yield at this time until I state the purpose of this amendment.

Mr. JAMES. Will the gentleman yield for a parliamentary inquiry?

Mr. POINDEXTER. Yes.

Mr. JAMES. Mr. Speaker, is the bill to be read by sections for amendment?

The SPEAKER. The bill has already been read, just like any other bill in the House.

Mr. JAMES. Of course, then, any section of it is subject to amendment?

The SPEAKER. Undoubtedly.

Mr. JAMES. I have an amendment I desire to offer at the proper time.

Mr. MACON. I would like to move—

The SPEAKER. The gentleman from Washington [Mr. POINDEXTER] has the floor.

Mr. MACON. I think I have a preferential motion. I want to move to strike out the enacting clause.

The SPEAKER. The Chair calls attention to clause 7 of Rule XXIII, which reads as follows:

A motion to strike out the enacting clause of a bill shall have precedence of a motion to amend.

Now, if the gentleman from Arkansas had addressed the Chair to make his motion to strike out the enacting clause, even after the amendment offered by the gentleman from Washington had been read, in the opinion of the Chair, under the rule, the motion of the gentleman from Arkansas would have taken precedence; but the gentleman from Washington offered the amendment, and then, as the Chair recollects, the Chair recognized the gentleman from Washington for debate. That being the case, it seems to the Chair that the gentleman from Arkansas can not take the gentleman from Washington off his feet.

Mr. MACON. After debate has been had. According to the Speaker's ruling, if I had offered any other amendment prior to the amendment of the gentleman from Washington, it would be under consideration before his; but this being a preferential amendment, it strikes me that it was not necessary to offer it first.

The SPEAKER. The gentleman is exactly right, but let us talk about the same matter. The gentleman from Washington offered his amendment, and then after the amendment was read, no one else intervening or addressing the Chair, the Chair recognized the gentleman from Washington.

Mr. MACON. But I was on my feet asking for recognition, and the gentleman from Kentucky was on his feet asking for recognition.

Mr. HUGHES of New Jersey. Mr. Speaker, a parliamentary inquiry. I would like to know if the section of the bill has been read.

The SPEAKER. The bill has been read in its entirety and is not being read by paragraph.

Mr. MACON. If the motion as offered is preferential at all, it strikes me that it ought to be entertained by the Chair before the motion of the gentleman from Washington. If it is not preferential, of course it must take its turn.

The SPEAKER. Does the gentleman from Arkansas state that he was on his feet asking recognition when the Chair recognized the gentleman from Washington for debate?

Mr. MACON. I do.

The SPEAKER. There were two recognitions—one to offer the amendment, and after it was read then the Chair recognized the gentleman from Washington for debate. Now, the Chair will again ask the gentleman from Arkansas, Between the time that the amendment was offered by the gentleman from Washington and his recognition for debate was the gentleman from Arkansas on his feet addressing the Chair?

Mr. MACON. I most certainly was.

The SPEAKER. The Chair will have to take the word of the gentleman from Arkansas.

Mr. BURKE of Pennsylvania. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURKE of Pennsylvania. As I understand, where a special order is made providing that the bill shall be open for amendment a motion to strike out the enacting clause is not in order. It is true in this case the special order does not provide on its face for amendment, but it was the understanding of the

House that that agreement had been entered into and it was part of the arrangement.

The SPEAKER. So all bills pending in the House for consideration are subject to germane amendment until the previous question is ordered. This does not change the ordinary practice of the House under the ordinary rules, in the opinion of the Chair. The gentleman from Arkansas.

Mr. MACON. Mr. Speaker, I move to amend by striking out the enacting clause.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the enacting clause of the bill.

Mr. MACON. Mr. Speaker, I am strictly against this measure. I believe that this is an attempt on the part of the administration to fasten upon this country a tariff board to gather partisan information that would be extremely favorable to the policies that this high-tariff administration stands for.

Mr. Speaker, the President of the United States has a perfect right to advocate that kind of legislation, he being in favor of it, and no one will complain who receives the benefit of it, but I insist that those of us who do not stand for the tariff policy of the party in power can not afford to tie ourselves to this propaganda as initiated in this bill. This proposition is on all fours with an attempt to have information gathered for the purpose of prosecuting the trusts of the country and allowing the trusts themselves to go out and hunt up the evidence.

Take a case in court where the Government is charged with the duty of prosecuting a trust. Would it, under any circumstances, allow the counsel on the part of the trust to point out all of the law bearing upon the case and take that as conclusive and binding upon it in arriving at a proper adjudication of the matter? I think not. And so it is in this particular case. If this bill is passed, and if the President appoints the commission, we will have partisan testimony, partisan facts gathered, and partisan statements predicated upon those facts submitted to the President and to the Congress whenever called for, and in that way it will be a submission of one side of the case and the other side will never be heard.

My idea is that the Ways and Means Committees as constituted by the various Congresses that have heretofore sat in this House have been large enough, and intelligent enough, and wise enough to search out their own facts along these lines, and not delegate any part of their duties to any outside agency to gather facts for them. I believe this move is antagonistic to every Democratic enunciation that has been made on the tariff question.

As has been stated on this floor, I have never heard of a Democratic convention, small or great, declaring in favor of a tariff board, and there is no question, according to the statement of the gentleman from Ohio [Mr. LONGWORTH], but what this is just as obnoxious as a tariff commission would be, because he said that the change in the name and the enlargement of the powers of the board were about all the changes made in the bill that he introduced to create a tariff commission.

Mr. Speaker, if this is adopted we will have fastened upon this Government an expense of at least \$500,000 a year for all time to come, and the chances are that it will grow in the coming years, and will eventually be a burden upon the people that will be heavy to bear. The board is given the authority to name its own secretary and pay him any salary that it sees fit, it matters not how large, and to call to its assistance all the other employees that it deems necessary and pay them such salaries as it may see fit. Gentlemen, if that is wise legislation, if that is legislation in the interest of the burden bearers of this country, then I do not understand what legislation in the interest of a select class would look like.

This, if enacted into law, will furnish five places for persons who are clamoring for places. We are constantly creating offices with magnificent salaries, to be given to office-hungry citizens, and the country, in addition to being bureau ridden and commission ridden, will soon be office ridden, if we go on very much longer creating offices for hungry office seekers. Talk about our burden of \$2,000,000,000 every Congress! If we keep on creating offices and giving salaries of \$7,500 a year and so on down, it will not be long until it will take \$2,000,000,000 every Congress to pay the salaries of the employees of the country. We ought to call a halt somewhere; we ought to get back to the old way of legislating in the interest of the people, just as Abraham Lincoln did, just as Thomas Jefferson did, and just as Andrew Jackson did; believing that the people ought to rule, and that all legislation should be in their interest and not in the interest of the classes and an army of would-be officeholders.

Mr. Speaker, I would be glad if the Democratic Party could act as one man upon every important question, but principles stand higher than party unity with me.

I am commissioned by my worthy constituents to work for their interest, to do as I think will be for their best interests, and I am going to do it as long as I possess my reason, even though I am forced to differ with Democratic colleagues. Gentlemen, do not understand that this is in the interest of the people. Everyone who votes for it, believing that way, will be deceived. The people are not fools. They understand that you will not legislate for them if you create this tariff board. They know it is in the interest of a certain class and that that class will furnish the information to this board. Under this bill the board is clothed with power to go abroad into foreign lands, have wine junkets and joy rides, just as the Immigration Commission did. I am against that kind of a proceeding from beginning to end. This board could spend \$1,000,000 every year—yea, \$5,000,000—under this law and there would be no way to prevent it. I insist that in the interest of economy and in the interest of proper legislation we should defeat this bill.

Mr. Speaker, something has been said upon this side of the House about a Democratic board, in anticipation. I see nothing in the bill that indicates that there will be an opportunity of a Democratic board for a great many years to come, and during that time the party may stomp its toe, and then where will we be? We can not count on anything for sure for so many years in advance. I notice that the members first to be appointed under this act shall continue in office from the date of qualification for the terms of two, three, four, five, and six years. If the bill should become a law now, the President would appoint the five commissioners. The terms of two of them would expire before he goes out of office. They would be filled, and the six-year man would still be on, so it would be six years before the Democrats would have a chance to change the political complexion of the board, and by that time we might be out of power, even though we elect the next President.

We can not afford to count our chickens before they hatch, especially so when the hen has not yet been set. We will have to wait and see how many eggs are put under the hen before we can even speculate intelligently about the hatching. Members of the Sixty-second Congress will have to please the people by legislating in their interest before we can be sure that they will intrust us longer with their confidence. Another item of the bill that I desire to call to the attention of the House is to be found in the seventh section:

That said board shall submit the results of its investigations, together with any explanatory report of the facts so ascertained, to the President or to either House of Congress, from time to time, when called upon by the President or either House of Congress.

Now, Mr. Speaker, that simply says they shall submit the results of their investigations. What does that mean? Such results as they find or such results as the board cares to submit? If that was amended so as to submit the facts obtained by them in their investigations, then there would be some sense connected with it, but when it is put in this way there is no reason why we could expect any report from this commission that would be of a nonpartisan character. Mr. Speaker, being opposed to this bill, but not caring to take up too much time of the House, I have made the motion to strike out the enacting clause, knowing that if that is done the bill will be dead, and, it being my desire to kill it at the earliest possible moment, I insist upon the motion being put to the House. [Applause.]

Mr. POINDEXTER. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. POINDEXTER. To offer an amendment which I send to the Clerk's desk.

The SPEAKER. But there is a superior motion pending.

Mr. NORRIS. Mr. Speaker, I rise to oppose the motion of the gentleman from Arkansas. Before I proceed I ask unanimous consent that debate on this bill and all amendments thereto be under the five-minute rule.

The SPEAKER. The gentleman from Nebraska asks unanimous consent that all debate on this bill and all amendments thereto proceed under the five-minute rule. Is there objection?

Mr. BARTLETT of Georgia. Mr. Speaker, reserving the right to object, the gentleman means that the bill will be read by sections for amendment under the five-minute rule?

Mr. NORRIS. I mean that all speeches shall be limited to five minutes unless by unanimous consent.

Mr. BARTLETT of Georgia. If you will have the bill read for amendment and will include that—

The SPEAKER. The gentleman modifies his request so that this bill may be read for amendment under the five-minute rule. Is there objection?

Mr. MACON. Mr. Speaker, I will not object provided it does not interfere with the time to which I am entitled under the rule.

Mr. NORRIS. The gentleman does not want an hour and have the other Members have only five minutes? It will only result in somebody making the motion for the previous question and cut off all amendment and everything else. Somebody will do that.

The SPEAKER. The unanimous consent asked does not affect the pending motion to strike out the enacting clause, except, as the Chair understands it, that if the request of the gentleman from Nebraska is agreed to there will be five minutes' debate on the motion to strike out the enacting clause and five minutes' debate on any other motion or amendment.

Mr. FINLEY. Mr. Speaker, my point is that it would be only in order to ask that the five-minute debate prevail on this motion; and if this motion prevails, then it can be asked for the other debate.

The SPEAKER. Both can be asked together if it is desired.

Mr. BARTLETT of Georgia. Mr. Speaker, I understand the proposition to be, then, that the bill is to be read and considered under the five-minute rule for amendment. That is the proposition?

Mr. NORRIS. Yes, sir. That does not interfere with the motion of the gentleman from Arkansas [Mr. MACON]. He has made his argument. I want to talk five minutes on it, and, unless agreed otherwise by unanimous consent, it would be voted on then.

Mr. POINDEXTER. Mr. Speaker, I want to make a parliamentary inquiry. In view of the fact that we have already proceeded to some extent in offering amendments, I would like to ask the gentleman from Nebraska [Mr. NORRIS] if he incorporates in his request the consideration of those amendments which have already been sent up to the Clerk and read.

Mr. NORRIS. Why, certainly.

Mr. POINDEXTER. They to be considered as pending and to be heard?

Mr. NORRIS. There is no objection to that. They would come up anyway in their regular order under the five-minute rule. Now, if we do not agree to this, it will result in somebody getting the floor to move the previous question, and an hour taken up by some man, and then the previous question will prevail, and we will not have opportunity to offer amendments or have debate that we ought to have on the amendments that will be offered.

Mr. POINDEXTER. The gentleman from Nebraska heard the chairman of the Committee on Rules state, when this rule was brought to the House, that the understanding was that this bill should be read for amendment.

Mr. NORRIS. That is what I am asking for here, but I want it done under the five-minute rule; otherwise we will be here for three weeks.

The SPEAKER. The Chair will again state what the Chair understands to be the request of the gentleman from Nebraska [Mr. NORRIS], namely, that the House consider this bill in the House as in the Committee of the Whole, to carry with it the five-minute rule.

Mr. BARTLETT of Georgia. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT of Georgia. Under that rule the bill would be read section by section for amendment, as I understand it.

The SPEAKER. Unless the House should otherwise order.

Mr. BARTLETT of Georgia. Unless the previous question is demanded, which can be done.

The SPEAKER. The gentleman is correct. [After a pause.] The Chair hears no objection.

Mr. NORRIS. Now, Mr. Speaker—

The SPEAKER. Does the gentleman from Nebraska [Mr. NORRIS] rise to oppose the motion of the gentleman from Arkansas [Mr. MACON]?

Mr. NORRIS. Mr. Speaker, the gentleman from Arkansas [Mr. MACON] assumes something to begin with, in making his motion, that we ought not assume, regardless of which side of the House we may be on. He goes on the theory that the President of the United States will try to pack this commission with men who are partisan, who are biased, and who, in other words, will not make good members of this board. Now, the term of these men is six years—

Mr. HARDWICK. Will the gentleman yield for a question?

Mr. NORRIS. I will.

Mr. HARDWICK. Does the gentleman believe that the President will appoint any real low-tariff Democrats on this board?

Mr. NORRIS. As far as I am concerned I do not know, of course, whom the President will appoint, but he ought not to appoint anybody who believes in sky-high protection or who believes in free trade, it seems to me. He ought not to take partisans in any case. He ought to take men who will act in this capacity as judges will act on the bench, who will get facts for Congress and for the country, regardless of whether they agree with their own present ideas or not.

Mr. HARDWICK. A judge might have views about a question.

Mr. NORRIS. Certainly. I presume all men have views, and it seems to me that we ought to conclude that when these men are selected for this term of six years they will perform that duty. The objection could also be made that, if there were a Democratic President and he had different ideas of the tariff than the present occupant of the White House has, he might pack the board with men who had his ideas on the tariff.

Mr. JAMES. Will the gentleman yield for a question?

Mr. NORRIS. Yes.

Mr. JAMES. The gentleman proceeds on the idea that this board ought to be representative of the respective parties?

Mr. NORRIS. No; I do not proceed on that idea. I proceed on the idea that this board ought to represent no party. They are appointed for the purpose of getting facts, and they ought to get those facts regardless of whether they are protectionists or free traders.

Mr. JAMES. But the bill proceeds on the theory that three of them shall be members of the majority party and two of them of the minority party. Now, then, if that is the purpose of it, what objection would you have to the minority of the House and of the Senate selecting two Democrats, so that the Democrats will delve to the bottom of this question?

Mr. NORRIS. I do not believe that would be a practical proposition. I do not believe that we ought to submit to the majority side, or to the Members of the House and the Members of the Senate, especially the House Members, who serve a shorter term, and who represent constituencies that have varied interests. I do not believe that would be a practical way to appoint this commission.

Mr. JAMES. Then the gentleman would impute to the House, whose Members come directly from the people, and who represent them, I hope, a motive that he exonerates the President from.

Mr. NORRIS. No; I believe if the House were selecting them, the House would do the best it could, and it might get men who were absolutely satisfactory, too.

Mr. JAMES. Then you want to announce the doctrine—

Mr. NORRIS. It is only a question of detail as to which would be the best.

Mr. JAMES. Then you want to announce the doctrine that the President, the head of the majority party, can select for the minority party the men who believe in their views better than the minority party can themselves?

Mr. NORRIS. No; and I do not care whether they believe in anybody's views.

Mr. JAMES. Then the gentleman means—

Mr. NORRIS. I do not believe I will yield any further.

Mr. JAMES. I want you to yield just for a question.

Mr. NORRIS. I want to call the attention of the House and the country to the fact that the duty of these men is not to represent anybody's views. It is the same as if the gentleman from Kentucky were appointed as a commissioner by a court, to go out and get the facts and report them back to the court. He ought to act without prejudice and without any partisan bias.

Mr. JAMES. If one man can better appoint the members of this board than the Democrats of the House and the Democrats of the Senate can, how does that comport with the position—

Mr. NORRIS. If the gentleman had his way, I presume he would take away from the President all the power to make appointments.

Mr. JAMES. No; I would not want to do that.

Mr. NORRIS. I would not either; and yet I think it would be a very serious objection if the gentleman had his way.

Mr. JAMES. I want to urge—if the gentleman will permit me—

Mr. NORRIS. I should like to have the gentleman permit me to proceed to something else.

Mr. JAMES. If you will give me a chance to answer you. You have asked me a question.

Mr. NORRIS. No; I have not asked the gentleman a question, and he is taking up all my time.

The proposed amendment of the gentleman from Kentucky has nothing to do with the question now before the House. The question before the House is the motion of the gentleman from Arkansas to strike the enacting clause out of the bill. It

therefore brings before the House the entire bill and the entire question of a tariff board or a tariff commission. The fear that some gentlemen seem to have that the President of the United States will pack this board with inefficient men is, to my mind, entirely without foundation. These men, in their official capacity, will not represent any party or any interest or any combination. They will not have authority to change any law or to make any new law, or even to suggest a law or a change of law to Congress. Their work will be entirely the ascertainment of facts. It will be their duty to find out the cost of production, both at home and abroad, of all articles included in the tariff law. Of course it is true that it would be possible for the President to appoint incompetent or dishonest men on this commission, but I think no one really believes that he will. Besides, no President, regardless of what his political faith may be, would dare in the face of intelligent public opinion to shock the consciences of the American people by appointing men who were dishonest or incompetent, or who were interested or controlled by any combination or any interest affected one way or the other by the tariff. I have no idea who the appointees will be, and I presume these gentlemen well know that I have no influence with the present occupant of the White House in making appointments, and I must therefore be absolved from any selfish motive in supporting this bill.

The methods by which the tariff has been revised in the past are unscientific, illogical, and out of date. This applies to every tariff that has been enacted, whether by a Republican or a Democratic Congress. The same means for the purpose of procuring information have been adopted in every case. The Ways and Means Committee of the House, having jurisdiction of tariff bills, always hold what are known as "hearings." Men interested in tariff legislation are invited to give their views and their testimony as to what the tariff should be on the various and different items included in the bill. The committee is supposed to make up the tariff bill from this evidence. To begin with, the committee are not experts on tariff questions. They are Members of Congress and have, as we all know, their various other official duties to perform. They can give but little time and but little attention, comparatively speaking, to the question. The men who appear before them are in almost every case interested, either directly or indirectly, in the result of the committee's deliberations, and are therefore biased and prejudiced witnesses. The result has always been unsatisfactory. Every tariff bill that has ever been enacted has admittedly contained a great many inaccuracies and a great many unjust schedules. Even though the members of the Ways and Means Committee had nothing else to do and could devote all their time and attention to the framing of a tariff law, they would still be unable in the short time they could devote to the work to frame a tariff bill that was entirely scientific. Germany several years ago appointed a tariff commission, and they worked about six years before they were ready to declare the result. The members of this commission devoted all their time and all their abilities to the tariff schedules. The hearings before the Ways and Means Committee that framed the Dingley bill lasted less than four months. The hearings in the McKinley bill lasted about five months. The hearings in the Wilson bill consumed less than four months. When we take into consideration the fact that members of the committee, in the first place, are not experts; in the second place, that they are able to devote only a portion of their time to tariff making; and, in the next place, the unsatisfactory and prejudiced nature of the evidence given them and the comparatively short time they have to consider it, it is not surprising that a general revision tariff law should contain so many inaccuracies and so many jokers.

The progressive student of American political economy demands that we cast aside these unsatisfactory and unscientific methods of building tariffs, and that we have a nonpartisan permanent tariff commission, whose duty it shall be to find out the difference between the cost of production of articles in the tariff schedule in our country and in those countries from which such articles are imported. This is, I admit, a large and difficult task, and yet it is one that is not, either directly or indirectly, influenced by partisanship or by bias and prejudice. It is in the nature of a judicial act. These men are required to find the truth about the cost of production at home and abroad and report their findings to Congress. A man who has the ability and is honest will find this evidence and report the same, without regard to whether he is a protectionist or a free trader or a believer in a tariff for revenue only. This information is necessary if our Democratic brethren are to frame a tariff for revenue only, and the same information is absolutely necessary if the Republicans are to build a tariff along the lines of protection. With this information it would be a simple task for Congress to enact a tariff law either on

the Republican idea of protection or along the Democratic lines of free trade or tariff for revenue only.

I believe that the people of the United States believe in the theory of protection; they want a tariff that protects the product of the farmer, that protects the wage of the laborer, and protects the business of the manufacturer. The last national Republican platform defined protection in specific terms. In substance that definition was that there should be a duty placed on imported articles that would measure the difference in cost between the production of such articles abroad and in our own country, plus a reasonable profit for the American. A tariff that is lower than this will destroy the market of the farmer; it will rob the laborer of his employment and ruin the business of the manufacturer. But the real protectionist is just as anxious that the tariff shall not be too high as he is that it shall not be too low.

A tariff that is higher than this definition provides will unduly increase the cost of living and will enable the manufacturers to form trusts and combinations and increase the price of their product to an unreasonable degree. A tariff based scientifically on this definition would not permit the building of any trusts and combinations under it, because as soon as the price of any article had been raised above a legitimate profit the foreign article would come in and compete and the result would be that the combination would be broken.

Protection such as I have described is the corner stone of Republicanism. It will open the door of hope to the struggling poor; it will crown the brow of labor with a wreath of luxury; it will clothe in comfort the child of poverty, and fill with plenty the hand that toils. It will build up our manufactories, furnish a market for all products of the farm, and give an honest wage to those who toil.

In addition to the difficulties that I have mentioned concerning the revision of the tariff in the old way, such revision has always interfered with commerce and with business all over the country. When it has become known that the tariff was to be revised, every industry, either directly or indirectly affected by the tariff, has always been in a state of lethargy and collapse, because it was known that the whole tariff question would be opened up, and it has remained in that condition until things adjusted themselves to the new law. If we had a tariff commission or a tariff board such as this bill provides for, we would be able to revise the tariff one article at a time. This board would find out the difference in cost of a particular article at home and abroad and report that fact to Congress; then the tariff on that particular article could be immediately adjusted to meet the condition reported by the board without interference in any way with any other article or schedule of our tariff and without in any way interfering with business and with commerce.

Assuming that the definition of true protection I have given is correct—and I do not believe it can be successfully controverted—it would always follow that any revision made in pursuance of the facts found by the board on any particular article would hurt no industry and no business, unless it were one that ought to be injured and ought to be hurt. Under the old system the country has often long endured many specific and known inequalities in the tariff rather than go through the unpleasant task of an entire revision, knowing that such revision meant an interference with the prosperity and the progress of the country, and also knowing that under the old system of revising the tariff there might be danger of the new revision being no better than the old law. Through the ancient, out-of-date, selfish, and unsatisfactory method of revising the tariff one could scarcely hope to get a tariff which in all its provisions was scientific and fair. The tariff, either directly or indirectly, affects practically every man, woman, and child in the United States, and it is therefore important that absolutely the best, fairest, and most scientific method of revising it should be brought about. Everybody admits that it must be changed when conditions change. A tariff that is adequate to protect the American laborer, farmer, and manufacturer to-day would have, perhaps, been inadequate 10 years ago, and a tariff that was sufficient and fair 10 years ago might be unconscionable and unjust to-day. The old method produced inequalities which are harmful, absurd, and unscientific. A revision of the tariff made upon evidence furnished by a nonpartisan permanent tariff commission would, on the other hand, be up to date, scientific, and would injure no business or legitimate interest.

Assuming that the present bill will pass the Senate of the United States before the adjournment of the present Congress, I feel like congratulating the people of the country upon the fact that we have put behind us the logrolling methods of the past and reached a new era where this great question can be

settled scientifically and with justice to all interests concerned. It will always remain a political question, but the contest will be to determine whether we shall have a protective tariff, as I have heretofore defined it, or whether we shall have a tariff for revenue only, or whether we shall have free trade. When the people of the country elect a Congress pledged to a tariff along any of these three lines, this tariff board will have the evidence at hand which will enable the Congress to redeem the pledge made to the people.

In my judgment, it will be found that when this permanent tariff board becomes firmly fixed and established and is able to furnish to the country the facts and figures I have outlined on a scientific and fair basis, the people of our country will demand that a protective tariff law such as I have outlined shall be kept permanently in force. The party of protection will then be able to redeem its pledges and will not be met, after the passage of a tariff law, with the charge that the new law is full of jokers and inaccuracies by which the tariff on some article controlled by some special interest is the beneficiary of an unreasonable and unfair tariff which is so high that it enables these beneficiaries to form trusts and combinations and charge the people an unfair and unreasonable price.

The bill is before us in response to a demand from the country. I believe it is the universal sentiment of the intelligent citizenship of the United States that we should pass some such bill as this. It is surprising, although gratifying, to note the conversion to the tariff-commission idea on the part of many Members of the House who have heretofore been classed as its opponents. It has not been many years since some of the leaders of this progressive thought were denounced as heretics because they dared to demand the enactment of a law that would provide for a permanent nonpartisan tariff commission. The pioneers in this legislation to whom the country is mostly indebted for the sentiment that has brought about the reporting of this bill are men who, as I have said, have heretofore been denounced for advocating this kind of a law. An examination of bills introduced by some of these statesmen will disclose the fact that the legislation we now propose to enact was advocated by them when many of the leaders in this House and in the Senate were opposing the enactment of such laws. I hope the conversion of these men is genuine. I welcome them to the ranks of the progressive army. I sincerely trust that their action in getting behind a measure of this kind is the result of a change of heart and not that the exigencies of the day seem to demand that they obey the people's mandate. In other words, I hope they sincerely believe in this kind of a law and are not behind it now because they think it would be dangerous to longer remain outside of the band wagon.

For several years Senators BEVERIDGE and LA FOLLETTE have advocated the passage of this kind of a law and worked earnestly and ably to advance the nonpartisan permanent tariff-commission idea when it was quite unpopular to do so, and much of the sentiment existing to-day in the country in favor of such a law is due to the earnest and statesmanlike efforts of these two men. The efforts of these leaders were seconded by an army of progressive Republicans all over the country. From every platform and from every stump the believers in this progressive thought have advocated the establishment of a nonpartisan permanent tariff commission, and it is with considerable pride to-day, when we are about to pass this kind of a bill, that they can look back over the struggle of years which they have made, sometimes against great odds and powerful combinations, and reflect that their efforts are at last to bear fruit.

In June, 1910, the gentleman from Iowa [Mr. GOOP] introduced H. R. 27632, which provided for the creation of a permanent tariff commission, and was similar to the bill introduced in the Senate by Senator BEVERIDGE. On the 7th day of December, 1910, the gentleman from Wisconsin [Mr. LENROOT] introduced H. R. 28433, which is a bill very similar to the one now under consideration, and with some exceptions is practically the same as that introduced in the Senate by Senator LA FOLLETTE and the bill introduced by Senator BEVERIDGE. On the 6th day of December, 1910, the motion to discharge the Committee on Ways and Means from the consideration of the bill introduced by Mr. GOOP was filed, and soon thereafter the Committee on Ways and Means granted a hearing upon the two bills introduced by Mr. LENROOT and Mr. GOOP. At that hearing, in addition to Members of Congress, John C. Cobb, president of the National Tariff Association, appeared in advocacy of legislation of this kind. At the conclusion of the hearings a member of the Ways and Means Committee suggested that Mr. LENROOT, Mr. GOOP, and Mr. Cobb should consult together and

agree upon a measure that would harmonize the different views. On the 5th day of January last the gentleman from Ohio [Mr. Longworth] introduced H. R. 30288, which was in its essential features a combination of the bills introduced by Messrs. Lenroot and Good.

Section 1 of the Longworth bill contains all the provisions of section 1 of the Lenroot bill and section 2 of the Good bill, the only variation being with regard to salaries, terms, and qualifications of the commissioners.

Section 2 of the Longworth bill will be found in section 2 of the Lenroot bill. Sections 3 and 4 of the Longworth bill are taken from sections 3 and 5 of the Good bill. Section 5, with a slight change, is taken from section 4 of the Lenroot bill. The provisions of section 6 of the Longworth bill are substantially contained in sections 3 and 4 of the Lenroot bill. Section 7 of the Longworth bill is found in section 4 of the Good bill. Section 8 of the Longworth bill relates to appropriations only, and similar provisions are found in both the Good and the Lenroot bills.

On January 24, 1911, the gentleman from New York [Mr. Payne] introduced H. R. 32010, creating a tariff board. With certain exceptions the Payne bill is taken from the Longworth bill, which, as I have shown, was taken from the Lenroot and Good bills. The exceptions of any importance are that the Lenroot and Good bills provided for confirmation by the Senate of the appointments made by the President, and in the Lenroot bill there was a provision for an annual report by the commission. In the Payne bill there is added a provision that the tariff board shall make an investigation of any subject when directed by either House of Congress.

The Lenroot bill contained what I believe to be a very important and necessary provision, namely, a provision requiring annual reports to Congress of the findings of the board. In my judgment the reports of this board ought to be given as much publicity as possible, and it is to be regretted that this particular provision of the Lenroot bill was omitted from the Payne bill.

In tariff legislation, as in all other kinds of legislation, we ought to take the people of the country into our confidence. The citizenship of our country to-day is vastly superior in intelligence to that which existed years ago. To-day they are vitally interested in the work of Congress, and particularly so in tariff legislation, because all of the people are either directly or indirectly affected thereby, and the result of any investigation made by this tariff board ought to be given to the people just as soon as the results are known.

It will be found in the end that the wisest legislation is that which comes as the result of the widest publicity. The House of Representatives should be representative of the country. The work of the commission, if given publicity and if known to the people of the country, will so crystallize public sentiment that it will be felt here and result in the enactment of the proper tariff legislation.

I believe it will be found that this particular provision of the Lenroot bill will finally become enacted into law as an amendment of the present bill we are considering. I am satisfied that an intelligent and deserving public will demand at no distant day that this particular provision shall be embodied into permanent law.

I hail with delight the approach of the day when our tariff will be adjusted on a scientific basis; when the American market will be saved to the American farmer; when the American laborer shall enjoy the blessing of an American wage; and when the American manufacturer will have continuous prosperity.

The SPEAKER. The time of the gentleman has expired.

Mr. JAMES. I ask unanimous consent that he shall have five minutes more.

SEVERAL MEMBERS. Vote! Vote!

Mr. MACON. I move the previous question on my motion.

The SPEAKER. It is not necessary to move the previous question. The demand for a vote is equivalent to an objection.

Mr. JAMES. Mr. Speaker, a parliamentary inquiry. The grievous charge has been made against me that I consumed all the time of the gentleman from Nebraska [Mr. NORRIS]. I now ask unanimous consent that he may have five minutes more.

The SPEAKER. But the demand for a vote is equivalent to a demand for the regular order. The question is on the motion of the gentleman from Arkansas to strike out the enacting clause.

The question was taken; and on a division there were—ayes 96, noes 116.

Mr. MACON. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 92, nays 177, answered "present" 3, not voting 113, as follows:

YEAS—92.			
Adair	Driscoll, D. A.	Hubbard, W. Va.	Palmer, A. M.
Adamson	Edwards, Ga.	Hughes, Ga.	Rainey
Aiken	Ellerbe	Hughes, N. J.	Rauch
Ansberry	Ferris	Hull, Tenn.	Richardson
Bartlett, Ga.	Finley	James	Robinson
Beall, Tex.	Fitzgerald	Johnson, Ky.	Roddenberry
Beil, Ga.	Flood, Va.	Johnson, S. C.	Rucker, Colo.
Bowers	Floyd, Ark.	Jones	Rucker, Mo.
Burgess	Poster, Ill.	Kitchin	Shackelford
Byrd	Gaines	Korbly	Sherwood
Candler	Garner, Tex.	Lamb	Sims
Carlin	Garrett	Latta	Sisson
Clark, Fla.	Godwin	Lee	Small
Clayton	Gordon	Lively	Smith, Tex.
Cline	Graham, Ill.	McDermott	Stephens, Tex.
Collier	Gregg	Macon	Talbot
Covington	Hardwick	Maguire, Nebr.	Thomas, Ky.
Cox, Ind.	Harrison	Martin, Colo.	Thomas, N. C.
Cullop	Hay	Mays	Tou Velle
Dent	Hedin	Moon, Tenn.	Turnbull
Denver	Helm	O'Connell	Watkins
Dickson, Miss.	Henry, Tex.	Oldfield	Weisse
Dixon, Ind.	Houston	Page	Wilson, Pa.

NAYS—177.			
Alexander, Mo.	Draper	Kennedy, Ohio	Olcott
Allen	Durey	Kinkaid, Nebr.	Padgett
Ames	Dwight	Kinkead, N. J.	Parker
Anderson	Ellis	Knapp	Parsons
Anthony	Elvins	Knowland	Payne
Austin	Englebright	Kopp	Pearre
Barchfeld	Esch	Kronmiller	Peters
Barnard	Fish	Klistermann	Pickett
Barnhart	Focht	Langham	Poinexter
Bartholdt	Foss	Langley	Pou
Bennet, N. Y.	Gallagher	Lenroot	Pratt
Bingham	Gardner, Mass.	Lindbergh	Pray
Boehne	Gardner, Mich.	Lloyd	Randell, Tex.
Booher	Gardner, N. J.	Longworth	Reeder
Boutell	Good	Loud	Roberts
Bradley	Goulden	McCall	Rodenberg
Brantley	Graft	McCreary	Sharp
Burke, Pa.	Graham, Pa.	McKinlay, Cal.	Sheffield
Burke, S. Dak.	Grant	McKinney	Simmons
Burleson	Greene	McLachlan, Cal.	Slomp
Butler	Gronna	McLaughlin, Mich.	Smith, Iowa
Byrns	Guernsey	Madden	Southwick
Caldor	Hamer	Madison	Sparkman
Caldorhead	Hamilton	Malby	Stafford
Campbell	Hammond	Martin, S. Dak.	Steenerson
Cantrill	Hanna	Massey	Sterling
Cary	Hardy	Miller, Kans.	Stevens, Minn.
Cassidy	Haugen	Miller, Minn.	Sulloway
Chapman	Havens	Mitchell	Sulzer
Clark, Mo.	Hawley	Mondell	Tawney
Cocks, N. Y.	Hayes	Moore, Pa.	Taylor, Ala.
Cole	Henry, Conn.	Morehead	Taylor, Colo.
Cooper, Wis.	Higgins	Morgan, Me.	Taylor, Ohio
Cowles	Hill	Morgan, Okla.	Thomas, Ohio
Cox, Ohio	Hinshaw	Morrison	Underwood
Crumppacker	Hobson	Morse	Volstead
Currer	Howard	Moss	Vreeland
Dalzell	Howell, Utah	Moxley	Wanger
Davidson	Howland	Murdoch	Wickliffe
Davis	Hubbard, Iowa	Murphy	Wiley
Dawson	Humphreys, Miss.	Needham	Wilson, Ill.
Dickinson	Kahn	Nelson	Woods, Iowa
Diekema	Kelher	Nicholls	
Dodds	Kendall	Norris	
Douglas	Kennedy, Iowa	Nye	

ANSWERED "PRESENT"—3.

Andrus	McMorran	Stanley
NOT VOTING—113.		
Alexander, N. Y.	Fornes	Lawrence
Ashbrook	Foster, Vt.	Legare
Barclay	Fowler	Lever
Bartlett, Nev.	Fuller	Lindsay
Bates	Garner, Pa.	Livingston
Bennett, Ky.	Gill, Md.	Loudenslager
Borland	Gill, Mo.	Lowden
Broussard	Gillespie	Lundin
Burling	Gillet	McCredie
Burnett	Glass	McGuire, Okla.
Capron	Goebel	McHenry
Carter	Goldfogle	McKinley, Ill.
Conry	Griest	Mann
Cooper, Pa.	Hamill	Maynard
Coudrey	Hamlin	Millington
Craig	Heald	Moon, Pa.
Cravens	Hitchcock	Moore, Tex.
Creager	Hollingsworth	Mudd
Crow	Howell, N. J.	Olmsted
Denby	Huff	Palmer, H. W.
Dies	Hughes, W. Va.	Patterson
Driscoll, M. E.	Hull, Iowa	Plumley
Dupre	Humphrey, Wash.	Prince
Edwards, Ky.	Jamieson	Pujo
Estopinal	Johnson, Ohio	Ransdell, La.
Fairchild	Joyce	Reid
Fassett	Kelfer	Rhinock
Foelker	Lafean	Riordan
Fordney	Law	Rothermel

The following pairs were announced:

For the session:

Mr. McMorran with Mr. PUJO.

Mr. ANDRUS with Mr. RIORDAN.

Mr. YOUNG of New York with Mr. FORNES.

Until further notice:

Mr. LOUDENSLAGER with Mr. LEGARE.

Mr. HEALD with Mr. WEBB.

Mr. FORDNEY with Mr. ROTHERMEL.

Mr. HOWELL of New Jersey with Mr. BURNETT.

Mr. WHEELER with Mr. HITCHCOCK.

Mr. HUFF with Mr. MAYNARD.

Mr. SCOTT with Mr. STANLEY.

Mr. FAIRCHILD with Mr. SLAYDEN.

Mr. YOUNG of Michigan with Mr. CARTER.

Mr. GILLET with Mr. GILLESPIE.

Mr. LOWDEN with Mr. SHEPPARD.

Mr. MILLINGTON with Mr. CRAVENS.

Mr. CAPRON with Mr. REID.

Mr. PLUMLEY with Mr. MCHENRY.

Mr. WOOD of New Jersey with Mr. SHERLEY.

Mr. SMITH of Michigan with Mr. LINDSAY.

Mr. ALEXANDER of New York with Mr. ASHBROOK.

Mr. BURLEIGH with Mr. BARTLETT of Nevada.

Mr. COOPER of Pennsylvania with Mr. BORLAND.

Mr. SMITH of California with Mr. BROUSSARD.

Mr. DENBY with Mr. CONRY.

Mr. MICHAEL E. DRISCOLL with Mr. DUPRE.

Mr. FOELKER with Mr. GILL of Missouri.

Mr. FOSTER of Vermont with Mr. GLASS.

Mr. FULLER with Mr. GOLDFOGLE.

Mr. GRIEST with Mr. HAMILL.

Mr. MCGUIRE of Oklahoma with Mr. HAMLIN.

Mr. MANN with Mr. MOORE of Texas.

Mr. OLMSTED with Mr. RANDELL of Louisiana.

Mr. PRINCE with Mr. RHINOCK.

Mr. MOON of Pennsylvania with Mr. PATTERSON.

Mr. LAW with Mr. SARATH.

Mr. HUGHES of West Virginia with Mr. LEVER.

Mr. HUMPHREY of Washington with Mr. SAUNDERS.

Mr. JOHNSON of Ohio with Mr. SPIGHT.

Mr. LAFEAN with Mr. WILLET.

Mr. LAWRENCE with Mr. DIES.

Mr. THISTLEWOOD with Mr. CRAIG.

Mr. TILSON with Mr. ESTOPINAL.

Mr. WEEKS with Mr. JAMIESON.

Mr. WOODWARD with Mr. GILL of Maryland.

For the balance of the day:

Mr. MCKINLEY of Illinois with Mr. LIVINGSTON.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will read the first section of the bill.

Mr. RUCKER of Missouri. Mr. Speaker, I desire to make another motion, to move to strike out all after the enacting clause, if that is in order.

The SPEAKER. The Chair thinks that that is substantially the motion which has just been voted down.

Mr. RUCKER of Missouri. Is that motion in order?

The SPEAKER. In the opinion of the Chair, the motion in substance is the same as the one that has just been voted down, and therefore not in order.

Mr. JAMES. Is it in order now, Mr. Speaker, to offer an amendment to section 1 of the bill?

The SPEAKER. Not until after section 1 is read.

Mr. JAMES. I want recognition for that purpose.

Mr. RUCKER of Missouri. Mr. Speaker, can I be recognized?

The SPEAKER. The Chair will make a recognition when section 1 of the bill has been read.

Mr. RUCKER of Missouri. But I desire to notify the Speaker that I will try to get noisy and to attract the attention of the Chair.

Mr. JAMES. And so will I.

The SPEAKER. It occurs to the Chair that the gentleman from Missouri might, if he tried, be as noisy as the gentleman from Kentucky, and the Chair will decide between the two gentlemen when the time arrives.

The Clerk read as follows:

Be it enacted, etc., That a board is hereby created, to be known as the tariff board, which shall be composed of five members, who shall be appointed by the President. The members first appointed under this act shall continue in office from the date of qualification for the terms of two, three, four, five, and six years, respectively, from and after the 1st day of July, A. D. 1911; the term of each to be designated by the President; but their successors shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate a member of the board to be the chairman thereof during the term for which he is appointed. Any member may, after due hearing, be removed by the President for inefficiency, neglect of duty, or malfeasance in office. Not more than three members of said board shall be members of the same political party. Three members of said board shall constitute a quorum. The chairman of said board shall receive a salary of \$7,500 per annum and the other members each a salary of \$7,000 per annum. The board shall have authority to appoint

a secretary and fix his compensation, and to appoint and fix the compensation of such other employees as it may find necessary to the performance of its duties.

Mr. RUCKER of Missouri and Mr. JAMES rose.

Mr. JAMES. Mr. Speaker, I offer the following amendment.

Mr. RUCKER of Missouri. Mr. Speaker—

Mr. ADAIR. Mr. Speaker, I offer the following amendment.

The SPEAKER. Is there any member of the Ways and Means Committee who is seeking recognition?

Mr. JAMES. In this Congress or in the Sixty-second? [Laughter.]

The SPEAKER. The Chair is of opinion that the trouble will come soon enough from the Ways and Means Committee in the next Congress. No member of the Ways and Means Committee applying for recognition, the Chair will recognize the gentleman from Kentucky.

Mr. JAMES. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend by striking out all after the word "members," in line 4; all in lines 5, 6, 7, 8, 9, 10, 11, and 12 on page 1; and lines 1, 2, 3, 4, 5, and 6, including the word "office," on page 2, and amend by substituting in lieu thereof the following:

"Three of whom shall be appointed by the President and two elected by the Democratic Members of the House of Representatives and Senate of the United States, and the three members appointed by the President under this act shall continue in office from the date of qualification for the terms of two, four, and six years, respectively, and those elected by the Democratic Members of the House of Representatives and Senate of the United States shall continue in office from the date of qualification for the term of three and five years, respectively; all of said terms shall commence on the 1st of July, A. D. 1911; the term of each to be designated by the President as herein provided. Their successors shall be appointed for terms of six years; the successors of those appointed by the President shall be filled by the President, and all vacancies occurring in the terms of those appointed by the President shall be filled by him. The successors of those elected by the House of Representatives shall be filled by the election of their successors by the minority party of the House of Representatives and Senate of the United States. The President shall designate a member of the board to be the chairman during the term for which he is elected or appointed; any member, after due hearing, who is appointed by the President, may be removed by the President for inefficiency, neglect of duty, or malfeasance in office, and any member elected by the Democratic Members of the House of Representatives and Senate of the United States, or the minority party of the House of Representatives and Senate, may, after due hearing, be removed for inefficiency, neglect of duty, or malfeasance in office.

Mr. JAMES. Mr. Speaker, whatever we may say regarding the tariff, there are two lines of thought in the United States. One party believes in a tariff for protection and the other party believes in a tariff for revenue only. Of course we may say that the President of the United States is a great and good man. I shall not dispute that. But to say that he is more than human I shall deny. [Applause on the Democratic side.] You lodge in him by this bill the right to go into my party and take members of that party whom he calls Democrats and place them upon this board for the purpose of gathering this information. Now, there are Democrats and there are Democrats. [Laughter.] There are Democrats who vote always and everywhere the Democratic ticket [applause], and there are some who call themselves Democrats but always vote the Republican ticket.

A MEMBER (on the Republican side). That is the kind we like.

Mr. JAMES. Of course that is the kind you like, and that is the kind you would place upon this board if you had the power. [Applause on the Democratic side.]

Mr. Speaker, if this board is to be nonpartisan or, to use a better word, bipartisan, let us make it bipartisan, and if your President, whom I fought before the election as well as after the election, is to select your members, give us the power and the right to select our members. [Applause on the Democratic side.] If your board shall have the confidence of the people of the United States, let it be said by everybody everywhere that the two members who are Democratic—and we ask for only two out of five—have been selected by the Democratic Party. [Applause on the Democratic side.]

If you will give us that, then these two Democrats can probe deep, can probe sincerely, can probe earnestly for the facts. [Applause.] You have not got any Democrat, then, upon that board who owes his selection to a Republican President. [Applause on the Democratic side.] He owes his selection to the Democrats of the House of Representatives and of the Senate of the United States, and he will feel, thus elected, that he is untrammelled, that he is unbridled, and that he is unafraid in securing this information. Personally I have always been against boards and commissions. I believe the fathers of the Republic were wise, even wiser than they knew, when they lodged with the great House of Representatives of the people the right to formulate tariff legislation. [Applause.] I believe that when they did that thing that they were wiser even than those who would

take it from them; but if you intend to take it from them and say that you will give us two Democrats upon the board, I believe that Democrats know better who are Democrats than a Republican President knows who are Democrats, and for that reason I offer this amendment, and I hope that it will be adopted. [Loud applause on the Democratic side.]

Mr. PAYNE. Mr. Speaker, I do not know that I ought to dignify this ridiculous amendment offered by the gentleman from Kentucky—

Mr. JAMES. Mr. Speaker, I hope that it is not as ridiculous as the bill which the gentleman foisted on the people last November. [Applause on the Democratic side.]

Mr. PAYNE. The gentleman displays almost as much ignorance about that bill as he does about the proper procedure of appointing the members of this board.

Mr. JAMES. I have one consolation, and that is that the people of the United States have as great ignorance about the gentleman's bill—

Mr. PAYNE. Not many of them do, but some of them, and that is because they did not come anywhere near telling the truth on the stump or elsewhere, and I include the gentleman from Kentucky in that. Now, the gentleman says that there are Democrats and there are Democrats. Well, I should say there were, but who would you take? Would you take the gentleman named for the new Ways and Means Committee? Good Lord, could they agree on the two members for the commission?

Mr. JAMES. The gentleman did not hear the amendment read.

The SPEAKER. A gentleman desiring to interrupt the gentleman having the floor will address the Speaker.

Mr. JAMES. Mr. Speaker—

The SPEAKER. The gentleman from Kentucky. [Laughter.]

Mr. JAMES. Will the gentleman from New York yield?

Mr. PAYNE. I yield to the gentleman for a question.

Mr. JAMES. I will say to the gentleman from New York, he did not hear the amendment read. The amendment provides that the Democrats of the House of Representatives and the Democrats of the Senate shall elect these men.

Mr. PAYNE. But are there any Democrats in the House or the next House not already named on this Ways and Means Committee?

Mr. JAMES. Mr. Speaker—

The SPEAKER. Does the gentleman yield?

Mr. PAYNE. Mr. Speaker, I do not yield, and I request the gentleman to keep quiet. Mr. Speaker, I doubt if you can find any simon-pure Democrats who are not named by the caucus on that committee. Why, here is a gentleman named for Speaker the other night. Who is following him? In the House you are simply bringing trouble on yourself by offering any such amendment as this. If you should vote for it and put it on your party you would be more at sea about selecting these particular members than you have been any time in the last two years, and the Lord knows you have been at sea most of the time and hardly floating above water without even a spar to ride on. Mr. Speaker, having said this much and consumed this much time in opposition, I am ready for a vote. [Cries of "Regular order!"]

Mr. RUCKER of Missouri rose.

The SPEAKER. For what purpose does the gentleman rise? Mr. RUCKER of Missouri. I arose simply to move to strike out the word "one" where it occurs and insert the word "two."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the word "one" where it occurs in the amendment and insert the word "two."

Mr. JAMES. A parliamentary inquiry, Mr. Speaker.

Mr. RUCKER of Missouri. Mr. Speaker, I ask that the Clerk read the amendment.

The SPEAKER. If the gentleman will submit his amendment in writing the Clerk will read it, or will do so if the gentleman from Missouri will specify where it comes in.

Mr. RUCKER of Missouri. It is on the first page. [Laughter.]

The SPEAKER. The gentleman will forward his amendment in writing, under the rule.

Mr. JAMES. Mr. Speaker, I make a point of order that there is an amendment under consideration.

The SPEAKER. The gentleman from Kentucky [Mr. JAMES] must know that an amendment to an amendment is in order.

Mr. JAMES. I did not understand the gentleman from Missouri [Mr. RUCKER] to offer an amendment to the amendment.

The SPEAKER. The Chair understood the gentleman from Missouri [Mr. RUCKER] to offer an amendment to the amendment, and is waiting for the gentleman to send it to the Clerk's desk.

Mr. JAMES. I thought it was to an original section and not to the amendment.

Mr. RUCKER of Missouri. It is about the middle of the fourth line. I want to strike out the word "any" and insert "the," so it will read— [Laughter.]

Mr. JAMES. Mr. Speaker, I submit that the amendment is too indefinite.

The SPEAKER. The gentleman from Missouri [Mr. RUCKER] offers an amendment to the amendment offered by the gentleman from Kentucky, which the Clerk will read.

The Clerk read as follows:

In the fifth line from the end of the amendment, before the word "member," strike out "any" and insert the word "the."

So that it will read:

And the member elected by the Democratic Members of the House of Representatives and Senate of the United States, etc.

Mr. RUCKER of Missouri. Mr. Speaker, I think the bill needs still further amendment, but I have no time to suggest all the corrections necessary. The principal object I had, Mr. Speaker, in offering an amendment to the pending amendment—which I am sure is an improvement over the bill as reported by the committee—was to avail myself of the opportunity thus afforded to make a few comments and observations on the bill. And by way of preface I want to say that there is not a Republican on earth, not even an insurgent, whom I would confide in when it comes to furnishing facts or arguments on a downward revision of the tariff. I remember reading somewhere in Lord Byron where that great poet said:

I love women because they can not do otherwise than lie, but they do it so well that every truth seems falsehood to it.

Mr. Speaker, I love these Republicans for very much the same reason. After having been lashed from the Atlantic to the Pacific Ocean by public sentiment—

Mr. BARTHOLDT. Except in Missouri.

Mr. RUCKER of Missouri. Yes, sir; in Missouri, too.

Mr. BARTHOLDT. No, sir.

Mr. RUCKER of Missouri. Do not talk to me about Missouri. I say in Missouri Democracy prevailed everywhere except in the city of St. Louis, where the brewers, as I understand and believe, bought the election. But I do not want to discuss a side issue now.

Mr. BARTHOLDT. The gentleman knows it is not true.

Mr. RUCKER of Missouri. I believe it is true, and I believe the gentleman knows it is true.

The SPEAKER. Of course, gentlemen arising to speak will address the Chair.

Mr. BARTHOLDT. Will the gentleman allow an interruption?

Mr. RUCKER of Missouri. Unquestionably; if you make it short.

Mr. BARTHOLDT. I merely wish to say that the evidence of all the judges and clerks of the Democratic faith in the city of St. Louis is to the effect that the last election was the fairest ever held in the metropolis of the Mississippi Valley.

Mr. RUCKER of Missouri. Do you believe a single darned word of it? [Laughter.]

Mr. BARTHOLDT. I do not believe it; I know it.

Mr. RUCKER of Missouri. Mr. Speaker, if the gentleman is so densely ignorant in regard to what occurred in his city at the last election I have not time in five minutes to elucidate this question for him. I will not be diverted. I will talk about this thing on Missouri soil.

I say to you, after the Republican Party has been lashed throughout the country; after it has been repudiated and dishonored; after it has for 40 years made the tariff question the great political question upon which political parties have divided, and when it is on the eve of being driven from its lofty position where it has violated public confidence; when it is about to be driven into the abyss of political oblivion, this party, championed and sponsored by the distinguished gentleman from New York [Mr. PAYNE] and the distinguished gentleman from Pennsylvania [Mr. DALZELL], billing and cooing with some of our friends on this side, now proposes to take this question out of politics by authorizing a Republican stand-pat, high-protection President to appoint a so-called bipartisan commission. I am opposed to it and will vote against the bill.

Mr. Speaker, the people of the United States, by an overwhelming vote, determined that Democrats, and not a Republican board appointed by a Republican President, should revise the tariff, and I for one intend to keep the faith. I do not intend to follow anybody who goes arm in arm with these persuasive gentlemen—the one from New York and the other from Pennsylvania—who never had a moment's concern about or friendship for revision downward, but whose every environment is in favor of upward revision, who have always favored that class of legislation which was denounced by a gentleman on that

side of the aisle during this debate as legislation in the interest of robbing the people in the name of protection.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. RUCKER of Missouri. Mr. Speaker, I ask for five minutes more.

Mr. PAYNE. Regular order!

Mr. RUCKER of Missouri. You will not gain anything by that.

Mr. PAYNE. Well, I don't know.

The SPEAKER. The question is on the amendment to the amendment offered by the gentleman from Missouri [Mr. RUCKER].

The question being taken, on a division (demanded by Mr. RUCKER of Missouri) there were—ayes 13, noes 120.

Mr. RUCKER of Missouri. The yeas and nays.

The yeas and nays were refused, three Members, not a sufficient number, rising in support of the demand.

Mr. RUCKER of Missouri. Mr. Speaker, would it be in order to make the point that there is no quorum present?

The SPEAKER. There is evidently a quorum present.

Mr. RUCKER of Missouri. I simply want to get a ruling.

Mr. HEFLIN. On the amendment of the gentleman from Kentucky [Mr. JAMES], in order to save time, I demand the yeas and nays.

The SPEAKER. The gentleman demands the yeas and nays on the amendment offered by the gentleman from Kentucky [Mr. JAMES].

The yeas and nays were ordered.

The question was taken; and there were—yeas 128, nays 142, answered "present" 4, not voting 111, as follows:

YEAS—128.

Adair	Craig	Henry, Tex.	Page
Adamson	Cullop	Houston	Palmer, A. M.
Aiken	Dent	Howard	Peters
Alexander, Mo.	Denver	Hughes, Ga.	Rainey
Anderson	Dickinson	Hughes, N. J.	Randell, Tex.
Ansberry	Dixon, Ind.	Hull, Tenn.	Rauch
Ashbrook	Driscoll, D. A.	Humphreys, Miss.	Richardson
Barnhart	Dupre	James	Robinson
Bartlett, Ga.	Edwards, Ga.	Johnson, Ky.	Roddenberry
Bartlett, Nev.	Ellerbe	Johnson, S. C.	Rucker, Colo.
Beall, Tex.	Ferris	Jones	Rucker, Mo.
Bell, Ga.	Finley	Kelher	Shackelford
Boehne	Flood, Va.	Kinkead, N. J.	Sharp
Booher	Floyd, Ark.	Kitchin	Sherwood
Bowers	Foster, Ill.	Korby	Sims
Brantley	Gallagher	Lamb	Sisson
Burgess	Garner, Tex.	Latta	Small
Burleson	Garrett	Lee	Smith, Tex.
Byrd	Godwin	Lively	Sparkman
Byrns	Gordon	Lloyd	Stephens, Tex.
Candler	Goulden	Macon	Sulzer
Cantrill	Graham, Ill.	Maguire, Nebr.	Talbott
Carlin	Gregg	Martin, Colo.	Taylor, Ala.
Cary	Hammond	Mays	Taylor, Colo.
Clark, Fla.	Hardwick	Mitchell	Thomas, Ky.
Clark, Mo.	Hardy	Moon, Tenn.	Thomas, N. C.
Clayton	Harrison	Morrison	Tou Velle
Cline	Havens	Moss	Turnbull
Collier	Hay	Nicholls	Watkins
Covington	Heflin	O'Connell	Weisse
Cox, Ind.	Helm	Oldfield	Wickliffe
Cox, Ohio		Padgett	Wilson, Pa.

NAYS—142.

Allen	Ellis	Kinkaid, Nebr.	Needham
Ames	Elvins	Knapp	Nelson
Anthony	Englebright	Knowland	Norris
Austin	Esch	Kopp	Nye
Barchfeld	Fassett	Kronmiller	Olcott
Barnard	Fish	Klistermann	Parker
Bartoldt	Focht	Langham	Payne
Bates	Foss	Langley	Pearre
Bennet, N. Y.	Gaines	Lenroot	Pickett
Bingham	Gardner, Mass.	Lindbergh	Polindexter
Boutell	Gardner, N. J.	Longworth	Pratt
Bradley	Good	Loud	Pray
Burke, Pa.	Graft	McCall	Reeder
Burke, S. Dak.	Graham, Pa.	McCreary	Roberts
Butler	Grant	McCredle	Rodenberg
Calderhead	Greene	McKinlay, Cal.	Sheffield
Campbell	Gronna	McKinney	Simmons
Cassidy	Guernsey	McLachlan, Cal.	Slemp
Chapman	Hamer	McLaughlin, Mich.	Smith, Iowa
Cocks, N. Y.	Hamilton	Madden	Stafford
Cole	Hanna	Madison	Steenerson
Cooper, Wis.	Hawley	Malby	Sterling
Cowles	Hayes	Martin, S. Dak.	Stevens, Minn.
Crumppacker	Henry, Conn.	Massey	Sulloway
Currier	Higgins	Miller, Kans.	Taney
Dalzell	Hill	Miller, Minn.	Taylor, Ohio
Davidson	Hinschaw	Mondell	Thistlewood
Davis	Hollingsworth	Moon, Pa.	Thomas, Ohio
Dawson	Howell, Utah	Moore, Pa.	Volstead
Diekema	Howard	Morehead	Wanger
Dodds	Hubbard, W. Va.	Morgan, Mo.	Washburn
Douglas	Kahn	Morgan, Okla.	Weeks
Draper	Kelifer	Morse	Wiley
Driscoll, M. E.	Kendall	Moxley	Wilson, Ill.
Durey	Kennedy, Iowa	Murdoch	
Dwight	Kennedy, Ohio	Murphy	

ANSWERED "PRESENT"—4.

Andrus	Calder	McMorran	Stanley
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NOT VOTING—111.

Alexander, N. Y.	Garner, Pa.	Lever	Sabath
Barclay	Gill, Md.	Lindsay	Saunders
Bennett, Ky.	Gill, Mo.	Livingston	Scott
Borland	Gillespie	Loudenslager	Sheppard
Broussard	Gillett	Lowden	Sherley
Burleigh	Glass	Lundin	Slayden
Burnett	Goebel	McDermott	Smith, Cal.
Capron	Goldfogle	McGuire, Okla.	Smith, Mich.
Carter	Griest	McHenry	Snapp
Conry	Hamill	McKinley, Ill.	Southwick
Cooper, Pa.	Hamlin	Mann	Sperry
Coudrey	Haugen	Maynard	Spight
Cravens	Heald	Millington	Sturgis
Creager	Hitchcock	Moore, Tex.	Swasey
Crow	Hobson	Mudd	Tilson
Denby	Howell, N. J.	Olmsed	Townsend
Dies	Hubbard, Iowa	Palmer, H. W.	Underwood
Edwards, Ky.	Huff	Parsons	Vreeland
Estopinal	Hughes, W. Va.	Patterson	Wallace
Fairchild	Hull, Iowa	Plumley	Webb
Fitzgerald	Humphrey, Wash.	Pou	Wheeler
Foelker	Jameson	Prince	Willett
Fordney	Johnson, Ohio	Pujo	Wood, N. J.
Fornes	Joyce	Ransdell, La.	Woods, Iowa
Foster, Vt.	Lafean	Reid	Woodyard
Fowler	Law	Rhinoek	Young, Mich.
Fuller	Lawrence	Riordan	Young, N. Y.
Gardner, Mich.	Legare	Rothermel	

So the amendment was not agreed to.

The following additional pairs were announced:

Until further notice:

Mr. CALDER with Mr. FITZGERALD.

Mr. SOUTHWICK with Mr. WALLACE.

Mr. WOODS of Iowa with Mr. UNDERWOOD.

Mr. LUNDIN with Mr. MCDERMOTT.

Mr. GARDNER of Michigan with Mr. POU.

Mr. BURLEIGH with Mr. PATTERSON.

Mr. ALEXANDER of New York with Mr. HOBSON.

The result of the vote was then announced as above recorded.

Mr. BARNHART. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Strike out all after the word "appointed," in line 5, page 1, up to and including the word "office," in line 6, page 2, and insert the following:

"One by the President, two by the Presiding Officer of the Senate, and two by the Presiding Officer of the House of Representatives; the membership of the two leading party organizations in each branch of Congress to each nominate and certify one Representative, who shall be appointed by said presiding officers. The members appointed under this act shall continue in office from the date of qualification for the terms of two, three, four, five, and six years, respectively, from and after the 1st day of January, 1912, the term of each to be designated by the President; but their successors shall be appointed, as hereinbefore provided, for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The majority of the board shall designate a member to be chairman thereof during the term for which he is appointed. Any member may, after due hearing, be removed by the President for neglect of duty or malfeasance in office."

Mr. BARNHART. Mr. Speaker, I will not detain the House with a long argument in support of this amendment, but I want to call attention to two or three features of it that I believe might be accepted with advantage to the bill by the Members on both sides of the House. We heard in the recent campaign a great deal of talk about tariff commissions and the independent press, the magazines, the newspapers, and the political-economy authorities—in fact, everybody of an independent turn of mind has been advocating the theory that a commission or a board that would secure, in a nonpartisan way, facts to be presented to the Ways and Means Committee of the House to aid them in securing or adopting a tariff bill that would be advantageous to all the interests of the country.

It has been stated on this floor that the entire campaign in Indiana was conducted this year for and against a tariff commission. This statement is partly right and partly wrong. In many places in the State, as in my own district, the campaign was waged against the doctrine that the President of the United States ought to have the partisan right to name all the members of a tariff commission. On the other hand, it was urged that if a tariff commission was necessary it ought to be established on a bipartisan basis.

I have discovered that the Democratic members of the Ways and Means Committee, after a conference on this bill, have succeeded in influencing the Republicans to consent that the membership of this committee shall be bipartisan, and that it shall report to the House instead of to the President. I think I understand what the word "bipartisan" means, but I am not quite ready to admit that the present President of the United States is able to comprehend fully the word "bipartisan." I believe a President who will name a Dickinson and a MacVeagh as members of his Cabinet and denominate them Democrats is not competent authority to name a bipartisan board of any kind.

I want to call special attention to the fact that this amendment provides that the membership shall be appointed one by

the President, one by the minority side of the House, one by the majority side of the House, one by the minority side of the Senate, and one by the majority side of the Senate, which will constitute a board composed of three Republicans and two Democrats.

There are two other features of the amendment I want briefly to call attention to. One is in line 2, page 2, where it provides that the President shall appoint the chairman of this board. I would have it provide that the membership of the board itself shall select its own chairman.

In line 5, page 2, the provision is there set forth that the President may remove any of these tariff board members for inefficiency. I believe that is entirely too broad, and that the word "inefficiency" should be stricken out, for the reason that a radically and intensely partisan President might remove any member of the board, however efficient he might be, for alleged cause of inefficiency, notwithstanding he might be qualified, in the opinion of the people of the country. I trust that the spirit of fairness on that side of the House and the spirit of self-preservation on this side of the House may influence you all to let this amendment prevail. [Applause.] It is fair, the country will so regard it, and anything else than a fair arrangement of a tariff board will not be satisfactory to the welfare of the country, which we ought to serve. [Applause.]

Mr. GRAHAM of Illinois rose.

The SPEAKER. Does the gentleman rise to oppose the amendment?

Mr. GRAHAM of Illinois. No; I am in favor of the amendment.

Mr. HILL. Mr. Speaker, I rise to oppose the amendment. So far as my vote is concerned, in the committee or on this floor, it has been cast and will be cast in favor of a perfectly fair proposition to honestly ascertain the facts in regard to the present tariff law or any future tariff revision and have those facts laid honestly before Congress. I made the motion, at the request of the Democratic members of the committee, to permit the House of Representatives to instruct the board to furnish information on any subject whatever. The amendment of the gentleman from Indiana [Mr. BARNHART] would do what? It would take what is now a Republican board and what is proposed to be made a Republican and Democratic board of impartial investigators and turn it into a board of five members, all of one party, if it should happen that in the future the House of Representatives or the Senate should be again in harmony politically. I am opposed to that as a Republican. I do not want to see this impartial board of tariff investigators all Republicans. I want to see both parties fairly represented.

Mr. BARNHART. Will the gentleman yield?

Mr. HILL. I decline to yield. I want to say that this would be entirely unfair to your gentlemen, if we should win the control of the House of Representatives two years from now. It would leave it unfair to us if you should elect a President two years from now, and I believe, partisans though we are—and I am one—that in a matter of this kind we want to be fair, and that the American people will see that we are fair, whether we want to be or not.

Mr. UNDERWOOD. Will the gentleman yield?

Mr. HILL. With pleasure.

Mr. UNDERWOOD. The gentleman from Connecticut evidently does not understand the amendment.

Mr. HILL. The amendment, as I understand it, makes the Speaker of the House appoint two, the Presiding Officer of the Senate two, and the President of the United States one.

Mr. UNDERWOOD. The gentleman's amendment provides that one of the men who is appointed by the Speaker shall be nominated to him by one of the political parties in control of this House and the other one by the other political party, and the same thing in the Senate; so of necessity it will always require two different political parties.

Mr. HILL. Mr. Speaker, one word more. When the Chicago platform was made, laying down the principle of Republican protection, it seems to me it compelled, from the very nature of the platform, a tariff board or a tariff commission or a board of nonpartisan or bipartisan investigators. I have heard many statements on the floor this afternoon that the Denver platform did not require it, and that it did not need a board of impartial investigators in order to make a tariff for revenue only. I call the attention of the gentlemen on the other side of the House to the Denver platform, in which there are three propositions that you must take care of in making your tariff. First, that articles entering into competition with trust-controlled products shall be free. How are you going to know about it? Second, that the articles especially competing with American manufactures that are sold abroad more cheaply than at home shall be free. How are you going to know about it? Finally, that

you shall not make a tariff for revenue only, but that you shall gradually reduce your tariff to a tariff for revenue. You need abundant information to do that.

I saw in the paper the other day that the new Ways and Means Committee would meet immediately after the 4th of March, and that they were to conduct these investigations, and that the Democratic national committee was to pay the bills. I believe as a Republican that you have just as much right that the Government should pay your bills as we had two years ago when we came into the House of Representatives and asked that the Government should pay the expenses of the Ways and Means Committee then, and that you have the right to go to the President of the United States and ask him to order this bipartisan board, fairly constituted, to give you such information as you need, and when you meet here next fall, if we can riddle your tariff for revenue only, then let the country decide against you, and if we can not, let them decide against us.

Mr. JAMES. Will the gentleman yield?

Mr. HILL. I would if I had the time.

The SPEAKER. The gentleman's time has expired.

Mr. GRAHAM of Illinois. Mr. Speaker, I wish to say a few words on the pending amendment.

The SPEAKER. But time for debate is exhausted.

Mr. GRAHAM of Illinois. I move to strike out the last word of the amendment.

The SPEAKER. The gentleman is recognized.

Mr. GRAHAM of Illinois. Mr. Speaker, I think the amendment of the gentleman from Indiana ought to prevail. There is a principle involved in it which is fundamental and which I want to suggest to the House before the vote is taken. It is not on any partisan lines, it is deeper than that; neither is it that the President might not appoint a bipartisan board, which I think very likely, and in that I do not blame or reflect upon him; but, Mr. Speaker, the work which this board is being appointed to do is very largely of a legislative character. Its chief function will be to gather information for the purpose of basing wise laws on that information. This information is to be utilized by the legislative branch of the Government. Now, in order to preserve the balance which exists between the coordinate powers of the Government, I take it, sir, that it is not wise to put into the hands of the Executive so much power as the appointment of this board would give in the work of enacting legislation. It is for the Congress to make laws. The Constitution as it stands now gives the power to the President to recommend in a message to those bodies which constitute the Congress, and it also gives him a veto power, and his connection with or power over legislative matters ends there. This law if enacted would put it in the President's power to select the five members of this board who would go out into the world, who would gather statistics which would be the basis for new legislation. Now, it would be out of the power of any five men, at least three of them of one political party, not to have some partisan views as to the work they were doing, and they would naturally find statistics which favored most the theory which they favored. The President, then, would have the power under this provision to select five men, three very strong ones representing his own party views, and two others, possibly not so strong, and possibly representing his views more or less also, and in that way these men, representing the Executive, report to Congress information which is to be the basis of legislation. I say, Mr. Speaker, in giving the President this power we are invading the powers of the Congress and transferring to the Executive power that the Constitution never intended that he should have. [Applause.] I withdraw my pro forma amendment.

The SPEAKER. The question is on the amendment offered by the gentleman from Indiana [Mr. BARNHART].

The question was taken, and the Chair announced the yeas appeared to have it.

Mr. BARNHART. Division!

The House divided; and there were—ayes 130, yeas 149.

So the amendment was rejected.

Mr. CLARK of Florida. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend by adding, at the end of section 1, the following:

"Provided, That in addition to such help and assistance as may be appointed by said board the minority members of said board may in all such instances as they think proper appoint and designate experts of their own selection to gather data, make investigations, and secure information for the use of said board."

Mr. CLARK of Florida. Mr. Speaker, I do not care to discuss the amendment or to take up any large amount of the time of the House and I shall not use even the five minutes. The amendment which I offer provides that the minority members

of the board may choose their own experts, may select their own help to secure data for the guidance of the board. I can understand that if the section is left as open as it is, and we have a strong partisan board, there might be some question as to the facts furnished by the experts employed as being colored by their own bias. It occurs to me that if this amendment were adopted and the minority of that board were given the power, in cases where they may think it proper, to employ experts outside of those employed by a majority of the board, then there could be no question raised as to the bias of the agents of the board in the furnishing of the data which the board may require. The reading of the amendment is a statement of the whole question involved and, as I said, I do not care to take up the time of the House further and I simply submit this in order to perfect the bill.

The SPEAKER. The question is on the amendment offered by the gentleman from Florida.

The question was taken; and on a division (demanded by Mr. CLARK of Florida) there were—ayes 130, noes 151.

So the amendment was rejected.

Mr. COX of Indiana. Mr. Speaker, I offer the following amendment.

The SPEAKER. The gentleman from Indiana offers an amendment which the Clerk will report.

The Clerk read as follows:

Insert the following after the word "President," in line 5, page 2: "by and with the advice and consent of the Senate."

Mr. COX of Indiana. Mr. Speaker, I do not wish to take up much time of the House in discussing this matter, but it seems the feeling is universal that the board appointed by the President should be a strictly bipartisan board. The bill, as it is now prepared, does put a great deal of power in the President's hands by giving him the right of selecting all five of the members of this board. If that be too much power to put in his hands, it strikes me that some other body ought to have some say-so along with him, or, at least, to have a supervisory power in saying who these men shall be; and, for one, I believe that if there be any danger whatever in giving too much power to the President to appoint a particular board that would be in favor of a particular interest, there would be nothing wrong and no danger whatever in giving the Senate of the United States power to supervise that appointment. I believe the amendment ought to obtain.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. ALEXANDER of Missouri. Mr. Speaker, I desire to offer an amendment by adding at the end of line 15, on page 2, these words:

Provided, That the total expenditures of said board in any one fiscal year shall not exceed the sum of \$250,000.

The SPEAKER. The gentleman from Missouri [Mr. ALEXANDER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert at the end of line 15, on page 2, the following:

Provided, That the total expenditures of said board in any one fiscal year shall not exceed \$250,000."

Mr. ALEXANDER of Missouri. Mr. Speaker, there is no limitation upon the expenditures that can be made by this commission. The salaries of the commissioners are fixed, but they may employ a secretary and other employees such as they may find necessary in the performance of their duties, and there is no limitation upon the expenditures that may be made. One objection to the creation of commissions in the past has been the enormous expenditures that have been made, and it does seem to me that this Congress should undertake by limitation to say how much money may be expended by this board. If they employ their time diligently and cover the field contemplated by this bill, should it become a law, they can not expend more than the sum of money in my amendment. And I think it is going too far for us—

Mr. DOUGLAS. Will the gentleman yield?

Mr. ALEXANDER of Missouri. Yes.

Mr. DOUGLAS. Is not the gentleman aware that that is a matter that can be controlled each year entirely by Congress and that Congress from year to year must make the appropriation, and they can only make it upon estimates furnished?

Mr. ALEXANDER of Missouri. I do not understand anything of the sort. This commission has its life from the 1st day of July, 1911, and they are authorized by this bill to employ these men and fix their compensation and create this liability against the Government, and there is no limitation in the bill upon this expenditure and the creation of this liability. The next Congress will be in duty bound to pay the bill.

Mr. DOUGLAS. Will the gentleman permit? Where will they get the money to expend unless it is appropriated from year to year by Congress?

Mr. ALEXANDER of Missouri. The gentleman certainly does not contend that this commission, after the 1st day of July, will not be authorized to make these expenditures? Otherwise this board means nothing, because they can not go into the field and employ these men and make these investigations unless they are assured that their employees will receive compensation for their services. And the intelligent and business way is for this Congress to put some limitation upon the expenditures that may be made. If \$250,000 is not enough, increase it, but do not give carte blanche to spend any sum of money they please and fix salaries as they may choose.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. ALEXANDER of Missouri. Division, Mr. Speaker.

The House divided; and there were—ayes 129, noes 150.

Mr. JONES. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

Mr. HEFLIN. The other side.

The negative vote on ordering the yeas and nays was taken.

The SPEAKER. On the demand for the yeas and nays, the ayes are 30 and the noes are 151.

Mr. ALEXANDER of Missouri. Tellers, Mr. Speaker.

Mr. HEFLIN. Tellers on the yeas and nays.

Mr. ALEXANDER of Missouri. We want a fair count.

Tellers were refused, 38 Members, not a sufficient number, rising in support of the demand.

The SPEAKER. The noes have it, and the amendment is rejected.

Mr. JAMES. Mr. Speaker, to section 3, on page 3, line 11, after the word "labor," I propose the following amendment:

Add the words "per unit of production."

Mr. STAFFORD. A point of order.

The SPEAKER. We have not as yet reached page 3. We are still on section 1.

Mr. BEALL of Texas. Mr. Speaker, I offer an amendment.

The SPEAKER. To section 1?

Mr. BEALL of Texas. To section 1.

The SPEAKER. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by striking out in line 10, page 1, the words "designated by the President," and insert in lieu thereof the words "determined by lot, under the direction of the President."

[Mr. BEALL of Texas addressed the House. See Appendix.]

The SPEAKER. The question is on the amendment of the gentleman from Texas.

The question being taken, on a division (demanded by Mr. BEALL of Texas) there were—ayes 135, noes 165.

Accordingly the amendment was rejected.

The Clerk read as follows:

SEC. 2. That the principal office of said board shall be in the city of Washington. The board, however, shall have full authority, as a body, by one or more of its members, or through its employees, to conduct investigations at any other place or places, either in the United States or foreign countries, as the board may determine. All the expenses of the board, including all necessary expenses for transportation incurred by the members or by their employees under their orders, in making any investigations, or upon official business in any other places than in Washington, shall be allowed and paid on the presentation of itemized vouchers therefor, approved by the chairman of the board. Should said board require the attendance of any witness, either in Washington or any place not the home of said witness, said witness shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

Mr. JONES. Mr. Speaker, I rise to offer an amendment. On page 3, line 2, after the word "board," amend by adding:

Provided, That the total expenditures under this and the first section shall not exceed in any one fiscal year the sum of \$500,000.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Virginia.

The Clerk read as follows:

Page 3, line 2, after the word "board," insert:

Provided, That the total expenditures under this and the first section shall not exceed in any one fiscal year the sum of \$500,000."

Mr. JONES. Mr. Speaker, I have not fixed the limitation at \$500,000 because I believed that it would be necessary to expend anything like that sum; but gentlemen on the other side of this Chamber voted down a limitation of \$250,000, presumably because it was too small, and I wish to give them an opportunity to fix some limitation upon the expenditures which can be made by this board. Under the provisions of the first and second sections of this bill the tariff board is empowered to employ

any number of high-priced experts and other high-salaried officials, and they are given the authority to send roving commissions all over Europe, Asia, and Africa. Neither the President, the Congress of the United States, the Secretary of the Treasury, or any other power can control the expenditures of this tariff board unless some limitation is now placed upon them.

I am aware that it is contended that inasmuch as Congress must appropriate the funds to pay the bills contracted by the tariff board it can thus control the amount of the expenditures, but authority is given the board to fix salaries and incur money obligations, and Congress must in honor provide for the payment of that which it authorizes.

I shall not discuss the subject further. The amendment speaks for itself, and I hope that gentlemen who favor this legislation will see the propriety of limiting the expenditures under it to some fixed sum. I can not believe that any Member of this body, whether for or against the creation of this tariff board, thinks it should expend a sum in excess of a half a million dollars in any one year.

The SPEAKER. The question is on the amendment offered by the gentleman from Virginia.

Mr. JONES. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 136, nays 141, answered "present" 2, not voting 106, as follows:

YEAS—136.

Adair	Dent	Hughes, Ga.	Page
Adamson	Denver	Hughes, N. J.	Palmer, A. M.
Aiken	Dickinson	Hull, Tenn.	Peters
Alexander, Mo.	Dickson, Miss.	Humphreys, Miss.	Poindexter
Anderson	Dixon, Ind.	James	Pou
Ansberry	Driscoll, D. A.	Jamieson	Pujo
Ashbrook	Dupe	Johnson, Ky.	Rainey
Barnhart	Edwards, Ga.	Jones	Randall, Tex.
Bartlett, Ga.	Ellerbe	Kelher	Rauch
Bartlett, Nev.	Ferris	Kinkad, N. J.	Robinson
Beall, Tex.	Finley	Korbly	Roddenbery
Bell, Ga.	Flood, Va.	Latta	Rucker, Colo.
Boehne	Floyd, Ark.	Lee	Rucker, Mo.
Booher	Foster, Ill.	Lindbergh	Shackelford
Bowers	Gallagher	Lively	Sharp
Brantley	Garner, Tex.	Lloyd	Sherwood
Burgess	Garrett	McDermott	Sims
Burleson	Godwin	Macon	Sisson
Byrd	Gordon	Maguire, Nebr.	Small
Byrns	Goulden	Martin, Colo.	Smith, Tex.
Candler	Graham, Ill.	Maynard	Sparkman
Cantrill	Gregg	Mays	Stephens, Tex.
Carlin	Hammond	Mitchell	Talbot
Cary	Hardwick	Moon, Tenn.	Taylor, Ala.
Clark, Fla.	Hardy	Moore, Tex.	Taylor, Colo.
Clark, Mo.	Harrison	Morrison	Thomas, Ky.
Clayton	Havens	Moss	Thomas, N. C.
Cline	Hay	Murdock	Tou Velle
Collier	Hefflin	Nelson	Turnbull
Cooper, Wis.	Helm	Nicholls	Underwood
Cox, Ind.	Henry, Tex.	Norris	Watkins
Cox, Ohio	Houston	O'Connell	Weisse
Cravens	Howard	Oldfield	Wickliffe
Cullop	Hubbard, W. Va.	Padgett	Wilson, Pa.

NAYS—141.

Ames	Englebright	Knapp	Olcott
Anthony	Esch	Knowland	Parker
Austin	Fassett	Kopp	Payne
Barchfeld	Fish	Kronmiller	Pearre
Barnard	Focht	Küstermann	Pickett
Bartholdt	Foelker	Lafean	Pratt
Bates	Foss	Langham	Pray
Bennet, N. Y.	Gaines	Langley	Prince
Bennett, Ky.	Gardner, Mass.	Lawrence	Reeder
Bingham	Gardner, Mich.	Lenroot	Roberts
Boutell	Gardner, N. J.	Longworth	Rodenberg
Bradley	Good	McCall	Sheffield
Burke, Pa.	Graff	McCreary	Simmons
Burke, S. Dak.	Graham, Pa.	McCredie	Slemp
Butler	Greene	McKinlay, Cal.	Smith, Iowa
Calderhead	Gronna	McKinney	Southwick
Campbell	Guernsey	McLachlan, Cal.	Stafford
Cassidy	Hamer	McLaughlin, Mich.	Steenerson
Chapman	Hamilton	McMorrin	Sterling
Cocks, N. Y.	Hanna	Madden	Stevens, Minn.
Cole	Haugen	Madison	Sulloway
Cowles	Hawley	Malby	Tawney
Crumpacker	Hayes	Martin, S. Dak.	Taylor, Ohio
Currier	Higgins	Massey	Thistlewood
Dalzell	Hill	Miller, Kans.	Thomas, Ohio
Davidson	Hinshaw	Mondell	Volstead
Davis	Hollingsworth	Moon, Pa.	Wreeland
Dawson	Howell, Utah	Moore, Pa.	Wanger
Diekema	Howland	Morehead	Washburn
Dodds	Hubbard, Iowa	Morgan, Mo.	Weeks
Douglas	Kahn	Morgan, Okla.	Wiley
Driscoll, M. E.	Keifer	Morse	Wilson, Ill.
Durey	Kendall	Moxley	Woods, Iowa
Dwight	Kennedy, Iowa	Murphy	
Ellis	Kennedy, Ohio	Needham	
Elvins	Kinkaid, Nebr.	Nye	

ANSWERED "PRESENT"—2.

Calder Stanley

NOT VOTING—106.

Alexander, N. Y.	Fowler	Lamb	Rothermel
Allen	Fuller	Law	Sabath
Andrus	Garner, Pa.	Legare	Saunders
Barclay	Gill, Md.	Lever	Scott
Borland	Gill, Mo.	Lindsay	Sheppard
Broussard	Gillespie	Livingston	Sherley
Burleigh	Gillett	Loud	Slayden
Burnett	Glass	Loudenslager	Smith, Cal.
Capron	Goebel	Lowden	Smith, Mich.
Carter	Goldfogle	Lundin	Snapp
Conry	Grant	McGuire, Okla.	Sperry
Cooper, Pa.	Griest	McHenry	Spight
Coudrey	Hamill	McKinley, Ill.	Sturgiss
Covington	Hamlin	Mann	Sulzer
Craig	Heald	Miller, Minn.	Swasey
Creager	Henry, Conn.	Millington	Tilson
Crow	Hitchcock	Mudd	Townsend
Denby	Hobson	Olmsted	Wallace
Dies	Howell, N. J.	Palmer, H. W.	Webb
Draper	Huff	Parsons	Wheeler
Edwards, Ky.	Hughes, W. Va.	Patterson	Willett
Estopinal	Hull, Iowa	Plumley	Wood, N. J.
Fairchild	Humphrey, Wash.	Ransdell, La.	Woodyard
Fitzgerald	Johnson, Ohio	Reid	Young, Mich.
Fordney	Johnson, S. C.	Rhinock	Young, N. Y.
Fornes	Joyce	Richardson	
Foster, Vt.	Kitchin	Riordan	

So the amendment was rejected.

The Clerk announced the following additional pairs:

For balance of day:

Mr. DRAPER with Mr. RICHARDSON.

For balance of night:

Mr. GRANT with Mr. JOHNSON of South Carolina.

From 9 p. m. to noon, January 31:

Mr. HUFF with Mr. COVINGTON.

Until further notice:

Mr. WOODS of Iowa with Mr. WALLACE.

Mr. ALLEN with Mr. SULZER.

Mr. HENRY of Connecticut with Mr. LAMB.

Mr. LOUD with Mr. KITCHIN.

The result of the vote was announced as above recorded.

Mr. BARTLETT of Georgia. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Strike out the word "approved," in line 2, page 3, and insert "certified," and right after the word "board" the following: "when examined and approved by the Auditor for the Treasury Department."

Mr. BARTLETT of Georgia. Mr. Speaker, I am opposed to this bill and every provision in it. I do not believe it will accomplish anything except delay, if possible, the duty that was put upon the Congress by the vote of the people to revise the tariff as soon as possible. This section of the bill gives to the commission—not to the commission solely, but to the chairman of the commission—carte blanche upon the Treasury of the United States. Every expenditure of this Government should be guarded, and the Auditor of the Treasury is the officer provided by law to examine and approve the accounts expended in the customs service, and as this has to deal with the customs service, with the tariff, I have thought proper to put it under the examination and approval of this officer of the Government.

I have sought to put some sort of a check upon the expenditure of the people's money. I happen to know that in this Congress, this House having authorized the expenditure of money in examinations and investigations, large sums of money have been and are being paid out of the contingent fund of the House for expenses, and I desire by this amendment to in some way guard and protect the Treasury of the United States from extravagant expenditures at the hands of this commission. Therefore I have sought by this amendment to provide, instead of having them paid upon the certificate of the chairman of this board, that before they shall be paid they shall be paid as other expenses are paid, when they have been examined and approved by the Auditor for the Treasury Department. I do not see how anyone who desires that the money of the Government shall be properly accounted for can oppose this amendment, and I trust it will be adopted.

Mr. HEFLIN. Will the gentleman yield for a question?

Mr. BARTLETT of Georgia. Yes.

Mr. HEFLIN. Does the gentleman not think it would be better to include in his amendment that these accounts shall be approved by a majority of the Ways and Means Committee before reaching the Treasury?

Mr. BARTLETT of Georgia. I would be very glad to do so, and if the gentleman offers that amendment I would be glad to accept it, but I thought I would present an amendment that was so fair and proper that no man on either side of the Chamber could object to it.

Mr. LANGLEY. Mr. Speaker, I understood the gentleman from Georgia [Mr. BARTLETT] to say that he was opposed to

every section of this bill. I am in favor of every section of the bill. I think we have debated it about long enough, and I think we ought to pass it without amendment. I am in favor of it upon the merits of the bill, because I think we ought to have a body of this kind to collect tariff data which we can not successfully secure in any other way. There is a unanimous report from the committee, every Democrat on it, including the distinguished gentleman from Missouri [Mr. CLARK], joining in the report. And while I have the floor I want to take occasion now to say a word in defense of my friend from Missouri [Mr. CLARK]. He was bred in old Kentucky and I am a Kentuckian myself, and that makes me feel like defending him against some of the innuendoes that I have heard on that side of the House. [Applause and laughter.]

Mr. BARTLETT of Georgia. Will the gentleman yield?

Mr. LANGLEY. I decline to yield; I have not the time. I will say, however, that my friend from Georgia [Mr. BARTLETT] has not indulged in those innuendoes. The gentleman from Missouri and I are also members of the same church, and that is another reason why I want to defend him. [Laughter and applause.] I do not believe, as one of his colleagues said, that he has been flirting with the gentleman from New York [Mr. PAYNE] and the gentleman from Pennsylvania [Mr. DALZELL] [laughter], and I do not believe, as one other gentleman on that side says, that he has been helping the Republicans out of a hole or to build bridges so that the Republicans can walk across swamps over them. [Laughter.] The people down in my district believe that he is a genuine, simon-pure Democrat, and I would not be doing justice to the hundreds of good Democrats in my district who have voted for me and who are admirers of his if I did not say this much in his defense. [Laughter and applause.]

Mr. TAWNEY. Mr. Speaker, I desire to speak for just a moment to the amendment offered by the gentleman from Georgia [Mr. BARTLETT]. It seems to me that gentlemen upon the other side of the House have forgotten the law, which is now upon the statute books, governing the expenditure of public money and the accounting for such expenditures. The amendment offered a moment ago, limiting the expenditure of this commission to \$500,000 a year, was entirely unnecessary. The tariff board can not spend a dollar beyond what Congress appropriates, and if it does it is liable under the antideficiency law, and in that event it will have committed a misdemeanor and every member of the board would be subject to removal from office.

Now, in regard to the auditing of the accounts or the expenditure of the money by this commission, this board, if created, would be an independent organization and its expenditures would, under the law, be audited by the Auditor for the State and Other Departments of the Government. The law amply provides now for protecting all expenditures of this board or any other board that Congress may see fit to create, and there is no necessity for this legislation.

Mr. KITCHIN. Will the gentleman yield for a question?

Mr. TAWNEY. I will.

Mr. KITCHIN. How much have we appropriated for this present board of three members?

Mr. TAWNEY. Two hundred thousand dollars for the fiscal year 1911.

Mr. KITCHIN. And we have already appropriated \$75,000.

Mr. TAWNEY. Seventy-five thousand dollars for the fiscal year 1910.

Mr. KITCHIN. Making \$275,000 in all?

Mr. TAWNEY. For two years.

Mr. KITCHIN. For the three members?

Mr. TAWNEY. Yes; for the three members. Whatever amount is appropriated by Congress and expended by this board must be audited by the Auditor for the State and Other Departments, because this would be an independent organization and therefore there is absolutely no necessity for this legislation.

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. TAWNEY. I yield to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. The language of this section is:

All necessary expenses for transportation incurred by the members, or by their employees under their orders, in making any investigations, or upon official business in any other places than in Washington, shall be allowed and paid on the presentation of itemized vouchers therefor, approved by the chairman of the board.

Mr. TAWNEY. Certainly; but that does not prevent the auditing of the accounts. The payment is made upon the approval of the chairman of the board, but when the chairman of the board approves he must know that the expenditure has been authorized, otherwise the auditor will charge him with that expenditure.

Mr. COOPER of Wisconsin. Just a moment. Now, suppose no bill making an appropriation were passed.

Mr. TAWNEY. Then, there could not be a dollar expended for this service.

Mr. COOPER of Wisconsin. Then, this board could not do anything at all.

Mr. TAWNEY. Nothing at all.

Mr. COOPER of Wisconsin. So, then, in passing this bill we are not really appointing a tariff commission; is that it?

Mr. TAWNEY. No; we are providing a tariff commission.

Mr. COOPER of Wisconsin. But giving them no power to act.

Mr. TAWNEY. We are giving power to act, but in order to execute that power we must subsequently appropriate the money just as we do for every other branch of the public service.

Mr. COOPER of Wisconsin. The question I ask is, If we do not pass another bill—an appropriation bill—we will not by the enactment of this bill into law appoint a tariff commission?

Mr. TAWNEY. Well, we would have a tariff commission.

Mr. COOPER of Wisconsin. A tariff commission with no power to do anything.

Mr. TAWNEY. One moment, if the gentleman will pardon me. These salaries would be statutory salaries. If the President appointed a commission and the members of that commission were ready to perform their duty, but had no money with which to execute the authority of this act, they would have a claim against the Government for their statutory salaries which they could prosecute in the Court of Claims against the Government, because the law has authorized their appointment at a fixed salary and authorized the President to make the appointment. Now, if the President exercises that authority, they are entitled to their compensation. Whether Congress appropriated or not, they would be then entitled to the statutory salary and could collect it from the Government.

Mr. COOPER of Wisconsin. Let me ask this question: This board and their representatives are authorized to travel all over this country and Europe; now, then, suppose this bill were passed to-night and signed by the President to-morrow, could that board thereafter go into the Court of Claims and collect their salaries?

Mr. TAWNEY. They could collect their salaries, but if they travel they could not collect anything for expenses outside of their salaries, because there is no specific authorization as to the amount.

Mr. COOPER of Wisconsin. But this expressly provides that all necessary expenses shall be paid; and the commission is authorized to appoint the men who are to do the traveling; and it says that that amount shall be paid. What from? That means from the Treasury, of course.

Mr. TAWNEY. From the appropriations made under the authority of this act.

Mr. COOPER of Wisconsin. Upon an itemized voucher approved by the chairman?

Mr. TAWNEY. Certainly; upon an itemized voucher approved by the chairman; and if the chairman authorizes or approves a voucher that is not for a legal expenditure or for which there is no appropriation, the chairman of the commission would then become liable for the amount thus authorized.

Mr. POINDEXTER. Mr. Speaker, I would like to ask the gentleman, if the law authorizes this commission to incur certain expenses and they proceed to incur those expenses in accordance with the law, would they not have a claim against the Government for the expenses incurred?

Mr. TAWNEY. They would not have any claim against the Government for expenses incurred, because no appropriation has been made to defray the expenses. The only liability of the Government to these commissioners would be for their statutory salaries, which the law specifically fixes.

Mr. POINDEXTER. One more question. You have just stated—

The SPEAKER. The gentleman's time has expired.

Mr. POINDEXTER. Mr. Speaker, I ask unanimous consent that the time be extended five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. POINDEXTER. You have just stated that although there is no appropriation made for salaries, that because the salaries are provided by this law they would have a claim against the Government, which could be collected in the Court of Claims, for the salaries. Now, the expenses of the commission are just as much authorized by this law as the salaries are—

Mr. TAWNEY. If the gentleman will pardon me, the expense is not a statutory amount, and the salary is. The law specifically defines the amount these men are to receive for salaries, but there is no money appropriated for expenses. They are, therefore, not authorized to incur the expenses.

Mr. COOPER of Wisconsin. Let me suggest to the gentleman that there is no amount appropriated for the salary, according to his statement.

Mr. TAWNEY. The law fixes the amount.

Mr. COOPER of Wisconsin. This law fixes the amount in that it must simply be necessary and certified to by the chairman of the board. That fixes the amount. When you say \$7,500 and do not appropriate for it, you have exercised no more authority over the United States Treasury than where you fix an amount as necessary and say that it shall be paid upon the certificate of the chairman of the board.

Mr. TAWNEY. I want to say, in answer to the gentleman from Wisconsin, that this provision is the ordinary provision carried in all statutes authorizing new services. Of course, if Congress makes an appropriation of \$250,000 to defray the expenses incident to the investigation authorized under this act, and the salaries of the commissioners and compensation to clerks and other employees, then if the services for which the chairman of the board certifies are within the statutory authorization they are a legal expenditure and will be favorably passed upon by the auditor; but if we pass this law and Congress in the future should fail to make an appropriation for the purpose of executing it, then the officer who authorized an expenditure outside of the statutory salaries of the employees would render himself liable under the antideficiency law.

Mr. LONGWORTH. Will the gentleman yield?

Mr. TAWNEY. I yield to the gentleman from Ohio.

Mr. LONGWORTH. I desire to ask the gentleman, who is chairman of the Committee on Appropriations, in the event of the passage of this bill, what is the intention of the Appropriations Committee in regard thereto?

Mr. TAWNEY. I would say, Mr. Speaker, in reply to that, that the House can very readily understand what the intention of the Committee on Appropriations is, and what the action of that committee will be, from the fact that at the last session of Congress that committee recommended an appropriation of \$250,000 under existing authority for the purpose of making some investigations which this board is now authorized by this act to make. And the chairman of that committee stood upon this floor for two days fighting not only a solid minority but fighting also against the leaders of the majority in favor of that appropriation. [Applause.]

I think the gentleman knows the intention and motives of the Committee on Appropriations with respect to the appropriation of this money, if the authorization is given in this bill.

Mr. NORRIS. I should like to add to what the gentleman has said that even if the appropriation were not made, it would be in order to make a motion on the floor of the House.

Mr. TAWNEY. Why, certainly, if the Committee on Appropriations did not recommend the appropriation and an amendment was offered to the sundry civil appropriation bill on the floor of the House, appropriating the money for the purpose of executing the authority under this act, that amendment would be in order, and it would then be up to a majority of the House to say whether or not the appropriation should be made. It would be absolutely beyond the power of the Committee on Appropriations, even if it had the inclination to do so, to prevent the appropriation of the money necessary to the execution of this law.

[Mr. LANGLEY addressed the House. See Appendix.]

Mr. HEFLIN. I offer an amendment to the amendment.

The SPEAKER. The gentleman from Alabama offers an amendment to the amendment, which will be reported by the Clerk.

The Clerk read as follows:

Insert before the word "Auditor" in the amendment the words "Ways and Means Committee of the House of Representatives and the," so that it will read:

"When examined and approved by the Ways and Means Committee of the House of Representatives and the Auditor for the Treasury Department."

SEVERAL MEMBERS. Vote! Vote!

The question being taken on the amendment to the amendment of Mr. HEFLIN, on a division (demanded by Mr. HEFLIN) there were—ayes 125, noes 151.

Accordingly the amendment to the amendment was rejected.

The SPEAKER. The question is on the amendment of the gentleman from Georgia [Mr. BARTLETT].

Mr. BARTLETT of Georgia. Mr. Speaker, may I ask that the amendment be read again?

The SPEAKER. If there be no objection, the amendment offered by the gentleman from Georgia will be again reported.

The amendment of Mr. BARTLETT of Georgia was again read.

The question being taken on the amendment, the Speaker announced that the yeas appeared to have it.

Mr. BARTLETT of Georgia. Division!

The House proceeded to divide.

Pending the division,

Mr. HEFLIN. Mr. Speaker, to save time, I demand the yeas and nays.

The SPEAKER. The Chair will count, and then the gentleman can demand the yeas and nays.

Mr. JAMES. I think the amendment will carry, Mr. Speaker. [Laughter.]

The House divided; and there were—ayes 129, noes 140.

Mr. HEFLIN. Mr. Speaker, I ask for the yeas and nays.

Mr. PAYNE. Mr. Speaker, pending that I wish to make a privileged motion.

The SPEAKER (after counting). Thirty Members—not a sufficient number. The yeas and nays are refused.

Mr. HEFLIN. The other side, Mr. Speaker.

Mr. PAYNE. Mr. Speaker—

The SPEAKER. One moment. Let us get through with this. The other side is demanded.

Mr. PAYNE. I rise to make a privileged motion.

The SPEAKER. But the gentleman can not make a privileged motion while the House is dividing.

Mr. PAYNE. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAYNE. I desire to ask whether a motion for the previous question on the amendments and the bill to its passage would be in order.

The SPEAKER. Not while the House is dividing. [After counting.] One hundred and seventy-seven gentlemen are opposed to the demand for the yeas and nays. Thirty gentlemen rose in support of the demand—not a sufficient number. The yeas and nays are refused.

Mr. PAYNE. Mr. Speaker, I move the previous question on the pending amendment and on the bill to the final passage.

The SPEAKER. There is no pending amendment.

Mr. JAMES. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. JAMES. I should like to know of the gentleman from New York if that motion would not be violative of the agreement made by the Rules Committee that this bill should be subject to amendment.

Mr. PAYNE. I want to say in reply to the gentleman from Kentucky that this committee did not have any idea that gentlemen on the other side would come in here and filibuster half the night on this bill, and offer the same class of amendments time and time again, and demand the yeas and nays on them.

Mr. JAMES. The gentleman can not say this is filibustering.

The SPEAKER. The gentleman from New York moves the previous question.

Mr. NORRIS. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. NORRIS. I want to ask whether the unanimous-consent agreement that was made at the beginning of the reading of the bill, or just before it, would not preclude the motion of the gentleman from New York.

The SPEAKER. The unanimous consent, as stated by the Chair in the presence of the gentleman, and as given, was that this bill should be considered in the House as in Committee of the Whole, and the Chair mentioned more than that, namely, the limitation, in order that the House might understand the nature of the request; and the uniform ruling of all Speakers under similar conditions has been that the previous question is in order.

Mr. POINDEXTER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. POINDEXTER. There is an amendment offered which was sent to the Clerk's desk and read and recognized by the Speaker.

The SPEAKER. But unanimous consent was given subsequent to that.

Mr. NORRIS. The unanimous-consent proposition was that the bill should be read and considered under the five-minute rule.

The SPEAKER. The Chair in the confusion and in the face of many requests stated, looking at the gentleman from Nebraska, that the Chair understood him to ask unanimous consent, and stated as the Chair has heretofore stated, and unanimous consent was given, and the House was not deceived, because the Chair was careful in putting the request for unanimous consent.

Mr. NORRIS. There is no one making a claim that the House was deceived. I think the Speaker stated just as he has said here. But it strikes me that there is no difference in the two propositions.

The SPEAKER. There is a marked difference, because this is not a new question. It has arisen, so far as the Chair recollects, in many Congresses, and the construction of unanimous consent under the order that the bill shall be considered in the House as in Committee of the Whole carries with it the uniform understanding and action of the House under the ruling of the various Speakers that the previous question may be moved at any time and ordered by a majority, and the House so evidently understood it.

Mr. NORRIS. I want to call attention to the statement made on the floor.

The SPEAKER. The Chair does not care anything about the statement; there were many statements made on the floor.

Mr. NORRIS. The very object of unanimous consent was to preclude two things—one was speeches of an hour's length, and the other was the very motion that the gentleman from New York has now made.

The SPEAKER. There is no chance for a misunderstanding. The reporter's notes and the whole report will show that in the confusion in the House, with probably half a dozen suggestions back and forth, and finally, that there might be no mistake, the Chair stated what he understood to be the request of the gentleman from Nebraska as the Chair has stated, and as the reporter's notes will show. The Chair thinks that the House understood it because the previous question was referred to from the floor.

Mr. JAMES. Mr. Speaker, I make the point of order that the statement of the gentleman from Pennsylvania [Mr. DALZELL] that the agreement was made in the Committee on Rules—

The SPEAKER. The Chair has no knowledge of any such agreement.

Mr. JAMES. The Chair ought to have knowledge of it because it was made on the floor.

The SPEAKER. The Chair disagrees with the gentleman. There is no possible way by which the Chair can have a knowledge of an agreement in that committee except by its report. The Chair is only carrying out the order of the House given by unanimous consent.

Mr. JAMES. If the Chair will permit me for a moment, I desire to state that the gentleman from Pennsylvania [Mr. DALZELL] made a statement on the floor of the House and in the hearing of the Speaker—

The SPEAKER. That cuts no figure, because the House by its order is master of debate and master of any report.

Mr. POINDEXTER. Mr. Speaker, I make the point of order that under the agreement by unanimous consent the amendment which provides that the report of this tariff board shall be published, whether called for or not, by the board, annually, which I offered, and having been read by the Clerk is before the House under the agreement and under the five-minute rule. It may be that it was offered in advance of the section being read, but there was no objection being made to it, and I submit to the Speaker as a matter of parliamentary procedure the amendment is pending before the House and the House is entitled to vote upon it.

Mr. LONGWORTH. Mr. Speaker, I desire to make a request for unanimous consent.

The SPEAKER. Let us get through with this matter first.

Mr. LONGWORTH. Mr. Speaker, I think my request for unanimous consent, if agreed to, will obviate the necessity for a decision by the Chair. I ask unanimous consent that the amendment offered by the gentleman from Washington may be considered as pending.

Mr. JAMES. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Kentucky objects.

Mr. JAMES. I object because of the fact that I do not want to prefer one man over all of the rest of the Members of the House.

The SPEAKER. Debate is not in order.

Mr. CLARK of Missouri. Mr. Speaker, I would like to inquire, as a parliamentary inquiry, whether or not the Speaker will not enforce an agreement that is made on the floor of the House in the presence of the Speaker and all the Members and everybody else. Now, the gentleman from Pennsylvania [Mr. DALZELL] stated, which is a fact, that in the Committee on Rules, before we had agreed to report this bill out, it was agreed that we should have unlimited freedom of amendment and debate, and the gentleman from New York [Mr. PAYNE] denied any knowledge of that, and I suppose rightfully, because he was not in the Committee on Rules; but the gentleman from Pennsylvania stated it and stated it correctly.

The SPEAKER. The Chair desires to say in answer to the parliamentary inquiry of the gentleman from Missouri—

Mr. DALZELL. Mr. Speaker, I would like to say a word. What took place in the Committee on Rules was this: The rule

introduced by the gentleman from New York [Mr. PAYNE] was called up for consideration and was read, and the question was put whether or not that rule cut off opportunity for amendment or limited the time for debate, and the opinion expressed in the committee on all sides was that the rule did not interfere with either amendments or debate. Now, that is just as far as it went. That is exactly what took place, and I do not believe that any member of the Committee on Rules anticipated that he was agreeing at that time to any such performance as we have had here to-night by way of filibustering.

Mr. CLARK of Missouri. Mr. Speaker, what I say is when a contract is made it ought to be carried out.

The SPEAKER. The Chair will soon have the reporter's notes as to the agreement that the House made.

Mr. PAYNE. Mr. Speaker, I understand from the gentlemen on the other side of the House that they have but four short amendments, and that the gentleman from Washington has one. I do not know of any others.

Mr. MADDEN. I have an amendment.

Mr. PAYNE. Well, there are two on this side.

The SPEAKER. It is entirely within the power of the gentleman to withdraw his motion for the previous question.

Mr. PAYNE. I know it is, but I want to get an agreement before I withdraw it. Now, I ask unanimous consent that we proceed and decide these amendments without debate.

Mr. KENDALL. Or roll calls.

Mr. NORRIS. There ought to be five minutes' debate.

Mr. JAMES. And without a roll call.

Mr. PAYNE. And without a roll call.

The SPEAKER. It seems to me there can not be unanimous consent as to a constitutional privilege.

Mr. PAYNE. The House can by unanimous consent agree not to have a roll call.

The SPEAKER. The Chair submits to the gentleman from New York, except as they might be bound in honor, that an agreement to waive the constitutional privilege of one-fifth of those present to call for the yeas and nays would be difficult to enforce in the event one demanded the yeas and nays.

Mr. PAYNE. Mr. Speaker, I withdraw the motion for the previous question, and give notice that if the amendments are not disposed of by 11 o'clock I shall again renew the motion.

Mr. JAMES. That is all right.

Mr. FINLEY. I move that the House do now adjourn.

Mr. JAMES. Oh, no; withdraw that motion.

The SPEAKER. The question is on the motion of the gentleman from South Carolina, that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. FINLEY) there were—ayes 78, noes 171.

So the motion was rejected.

Mr. CLARK of Florida. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. CLARK of Florida. I rise for the purpose of making a motion that the House take a recess until 11.30 o'clock tomorrow.

The SPEAKER. The gentleman from Florida moves that the House take a recess.

Mr. TAWNEY. Mr. Speaker, I make the point that that motion is dilatory.

Mr. CALDER. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from New York demands the regular order. The Clerk will read.

The Clerk read as follows:

SEC. 3. That it shall be the duty of said board to investigate the cost of production of all articles which by any act of Congress now in force or hereafter enacted are made the subject of tariff legislation, with special reference to the prices paid domestic and foreign labor and the prices paid for raw materials, whether domestic or imported, entering into manufactured articles, producers' prices and retail prices of commodities, whether domestic or imported, the condition of domestic and foreign markets affecting the American products, including detailed information with respect thereto, together with all other facts which may be necessary or convenient in fixing import duties or in adding the President and other officers of the Government in the administration of the customs laws, and said board shall also make investigation of any such subject whenever directed by either House of Congress.

Mr. CULLOP. Mr. Speaker, I desire to offer an amendment.

The SPEAKER. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by adding the following at the end of section 3:

"Provided, That said tariff board shall report to the Ways and Means Committee of the House of Representatives the first Monday in December next such information as it may have relative to prices as affected by trusts; also such information as it may have as to any one or more schedules as may be designated."

Mr. CULLOP. Mr. Speaker, while gentlemen on the other side have talked a good deal about a nonpartisan commission they have been voting very strongly partisan on every proposition that has been presented here. [Applause on the Democratic

side.] If you are in good faith in behalf of the declarations you have made, let us make this tariff board available for some purpose. On the first Monday of next December a new House will be convened. It is said that they will have a tariff bill ready to report to the Congress. They ought to have the information that this tariff commission or tariff board, whichever you may please to call it, may have gathered during the four or five months it will have been in existence.

Mr. NORRIS. Will the gentleman yield for a question?

Mr. CULLOP. Certainly.

Mr. NORRIS. There is a provision in this same section that the House of Representatives can get this information by asking for it at that time.

Mr. CULLOP. No; no, sir. That is one of the jokers in this bill. [Applause on the Democratic side.] There is no information under this law, if it ever becomes a law, and I hope it will not, by which any information could be obtained by the first Monday in next December.

Mr. NORRIS. I was mistaken in calling the attention of the gentleman to this section; it is section 7.

Mr. CULLOP. No; under section 7 that is the greatest joker in it. [Laughter and applause on the Democratic side.] It is a fraud upon its face. It is a bunco game from start to finish. You can get no information on the 1st of next December, and the only way under this bill that you can have to get any information for Congress is for Congress to meet and pass a resolution for that purpose.

Mr. NORRIS. Well, I understand that; but you will be in session on the first Monday in December.

Mr. CULLOP. Yes; but we want the information. Let me call attention to this commission. When you call for information—

Mr. NORRIS. But you are not asking for it by this amendment prior to that time, are you?

Mr. CULLOP. I am asking for it at that time. I will answer the gentleman's question. When you pass a resolution calling for this information, the board will have to have time within which to acquire the information. It will have to take a trip to Europe to acquire the information, and then it will have to think, and then it will have to have more evidence, and when can you ever force a report from this pretended tariff commission?

Mr. LENROOT. Will the gentleman yield for a question?

Mr. CULLOP. Certainly.

Mr. LENROOT. Is the gentleman one of those who believe this information will be of any value to the Democratic side?

Mr. CULLOP. I doubt it. I do not think it is being created for that purpose. Section 7 does not require them to give the information to the House, but the result of their investigations. They may say that the result is in the tariff bill they will prepare and hand over to the Ways and Means Committee, and then it is powerless to make it go any further.

Mr. LANGLEY. Will the gentleman vote for the bill if this amendment of his is adopted?

Mr. CULLOP. That is not the question to be answered now. [Laughter on the Republican side.] I do not think I would, sir; but I think it would improve the bill for the gentlemen on the other side to vote for. Would the gentleman vote against it if this amendment was attached to it?

Mr. LANGLEY. I have stated that I am in favor of and will vote for the bill as it stands. I like the bill because the majority and minority Members joined in reporting it.

Mr. CULLOP. That is the nonpartisanship that we have in the passage of this bill.

Mr. LANGLEY. Yes; it is a very nonpartisan report. [Laughter.]

The SPEAKER. The question is on the amendment offered by the gentleman from Indiana.

The question was taken, and the amendment was rejected.

Mr. JAMES. Mr. Speaker, I offer the following amendment. The Clerk read as follows:

Amend section 3, page 3, line 11, after the word "labor" add the following: "per unit of production."

Mr. JAMES. Mr. Speaker, at this late hour I do not want to detain the House but a moment. The question under dispute between the two great political parties in this country is the price paid for labor at home and abroad. You gentlemen upon the Republican side contend that the laborers in this country get more for their wages per day than do the laborers abroad. We say the American laborer is more skilled, more industrious, and produces more per day than the foreigner. Now, under this section this board goes forth to investigate that situation. All my amendment provides is that they shall inquire whether the foreign laborer gets less or more for his labor per unit of production compared with the wages of the American laborer per

unit of production. In other words, my amendment directs inquiry as to the amount of work turned out by the American and the foreign laborer per day and not the amount paid per day, but according to the amount of labor which the men perform. The American laborer might turn out four times as much work as the laborer abroad, and yet might get only a fraction more per day.

Mr. LONGWORTH. Will the gentleman yield?

Mr. JAMES. Yes.

Mr. LONGWORTH. Does the gentleman think his amendment would exclude the question of the wages paid because it only provides prices to domestic and foreign labor per unit?

Mr. JAMES. Per unit of production. If the American laborer produces three times as much, we want those things known to Congress.

Mr. LONGWORTH. I think this section includes it.

Mr. JAMES. If the gentleman thinks that his section does include it, what objection has he to adopting my amendment and making it entirely clear and beyond doubt?

Mr. LONGWORTH. Because the gentleman has excluded it.

Mr. JAMES. Not at all. If the American laborer by his activity, industry, and ability in one day produces three times as much as the foreign laborer does, it is not fair for you to say that the foreigner has only so much and the American laborer so much per day, when the American laborer produces three times as much per day. Mr. Speaker, I ask for a vote.

Mr. GAINES. Will the gentleman yield?

Mr. JAMES. I will.

Mr. GAINES. The amendment offered by the gentleman from Kentucky is altogether useless, it seems to me, for the reason that if a tariff board or commission which did not go into that thing—

Mr. JAMES. I only yielded for a question and not for a speech.

Mr. GAINES. I thought the gentleman yielded for a suggestion.

Mr. JAMES. No; I have suggestions in plenty myself. [Laughter.]

Mr. GAINES. Mr. Speaker, then I will take the floor in my own right. The amendment offered by the gentleman from Kentucky is absolutely useless, because the whole purpose of the tariff board would be to do, among other things, precisely what his amendment suggests.

Mr. JAMES. Then, what objection have you to it?

Mr. GAINES. Simply because you might as well specify everything that they are to do. A tariff board that did not go into the question not only of the wages paid to the laborer, but the amount of work done by the laborer, the capital cost to purchase the plant and machinery to increase the laborer's efficiency, and into many other things the gentleman from Kentucky has never thought of, would simply be absolutely without any conception of what their duty would be. The cost of labor is especially concerned with this very question.

Gentlemen of the Ways and Means Committee will remember that the experts of the Government appeared before our committee in the matter of the cost of steel and testified that their investigation showed that the average cost of a steel mill in America was \$2,500,000, and the average cost of one in England was \$500,000. These questions of the unit of cost of labor in production here and abroad are the very questions that a board would take up under the authorization in the bill as it now is. [Cries of "Vote!" "Vote!"]

Mr. GRAHAM of Illinois. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. GRAHAM of Illinois. I wish to address myself to the pending amendment.

The SPEAKER. But debate is exhausted on that.

Mr. GRAHAM of Illinois. Then I move to strike out the last word.

The SPEAKER. The gentleman from Illinois moves to strike out the last word.

Mr. GRAHAM of Illinois. Mr. Speaker, the experience of Members on this side of the House does not justify the position taken by the gentleman from West Virginia [Mr. GAINES]. Neither does the language in this bill. So far as I can recall it now, every discussion involving the wage question which we had during the special session on the Payne tariff bill dealt with the question of daily wage, rather than the question of the labor cost in any particular article, and the language in this bill justifies the belief that that course would be followed again. In line 11 I read:

The prices of domestic and foreign labor.

What does that mean but a reference to the day's wage and not to the labor cost in any item. I remember very distinctly reading a speech inserted in the Record by one of my colleagues

from Illinois, where he put a table of wages in his speech. He quoted in one column the price paid wageworkers in America for the same kind of work, in the next column the price paid in France, in the next column the price paid in Germany, in the next in Belgium, in the next in Italy and other Europe.

The table, of course, showed that the American wage per diem is largest, and out of it all he drew the remarkable conclusion that the result is due to protection in America, forgetting that in his own table the wages quoted for the British workingman were from 15 to 50 per cent higher than the wages in protected France, or protected Germany, or protected Belgium, or protected Italy. [Applause on the Democratic side.] A strange conclusion, indeed, to draw from the facts that he gave! The very table he gave showed that protection had little or nothing to do with the daily wage paid to labor, because in free-trade England wages were from 15 to 50 per cent higher than in the protected countries of Europe, where the conditions surrounding the wageworker were nearly the same; but in our own country, where labor is more effective, where the environment is better, where the conditions under which the laborer works are superior, he does more because of his superior efficiency and the superior conditions surrounding him; a natural and inevitable result. But this is credited by gentlemen on the other side to the wonderful effect of a protective-tariff law, regardless of the facts I have recited.

Just such is the logic that will be applied to the bill before us, and those who go out as members of this board to investigate wage conditions will interpret "prices paid" to mean "daily wages," and they will come back comparing the daily wages in America, where we have some 28 people to the square mile, with wages paid in England, where there are 500 people to the square mile. Such comparisons are ridiculously illogical and unfair; and the amendment offered in this case, demanding that this board shall make an investigation showing the details of the cost of a particular unit, and not the day's wage paid to the laborer, is a very proper amendment. The records of the testimony taken before the Ways and Means Committee in preparing for the bill now enacted into law will, as I recall it, show that in the making of steel wire in the city of St. Louis one workman there attends to from 5 to 15 times as much machinery as one man would in England in similar work. Yet the protectionists say that the fact that he gets more wages is due to the protective tariff, and not to the fact that he does more work.

Therefore I say the amendment of the gentleman from Kentucky should prevail, and this board ought to furnish the country and Congress not the day's wage, but the labor cost in a particular unit of work, and I venture to say that when that is done it will show what a great fraud and sham this whole protective theory is, so far as wages are concerned. [Applause on the Democratic side.]

Mr. LENROOT. Mr. Speaker—

The SPEAKER. Does the gentleman arise to oppose the amendment?

Mr. LENROOT. I arise to oppose the pro forma amendment. Just a word with reference to a suggestion made by the gentleman who has just sat down. So far as the information respecting the unit of labor cost of production is concerned, it is fully provided for in the section, for wherever that can be ascertained it must enter into the report of the commission as to the cost of the production, in line 8 of the section. It can well be, however, that in many cases, or in some cases at least, it will be impossible for this commission to ascertain the unit cost of production, and in those cases it will be necessary to use the best information available, which is generally the difference in the price of labor in this country and labor abroad.

Mr. JAMES. But under the language in line 8, to which the gentleman has referred, we will have no definite statement as to the cost or the price paid to the laborer for his wage.

Mr. LENROOT. We certainly will if the commission will report all of the facts upon which the conclusion is based, and that will be one of the elementary things.

Mr. JAMES. They may add the cost of the article and the cost of shipment and the cost of the work, and never segregate the cost of the labor, and this amendment seeks to do that.

The SPEAKER. Does the gentleman from Illinois withdraw his pro forma amendment?

Mr. GRAHAM of Illinois. Yes, Mr. Speaker.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Kentucky.

The question was taken; and on a division (demanded by Mr. JAMES) there were—ayes 131, noes 164.

So the amendment was rejected.

Mr. SMALL. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 3, line 16, after the word "thereto," strike out the comma and insert a semicolon, and insert the following:

"It shall further be the duty of said board to investigate the volume of production, domestic and foreign, and the respective prices of same, of all products, either raw materials or manufactured, which may be consumed in the United States, including the volume of domestic consumption, and also the revenue which might accrue from varying rates of duty."

Mr. SMALL. Mr. Speaker, I desire to make only a very brief statement in support of this amendment. I believe that it supplies a conspicuous omission in this bill. In the section here is substantially contained all the duties prescribed for this board. Those duties, as prescribed here, are simply for the purpose of enabling Congress to obtain information upon which to formulate a tariff bill along protective lines. There is not a word or a syllable in this section or any other part of this bill which, in direct terms, purports to authorize this board to give one particle of information to enable the Congress to frame a tariff bill intended to raise revenue only. The only part of this bill which even by implication might be construed to authorize this board to give such information is contained in this clause:

And said board shall also make investigation upon any such subject whenever directed by either House of Congress.

So that there will be no means of getting any information from this board upon which the minority could act or which would inform them as to the result of the creation of this board and of this expenditure, to enable them to frame a bill solely for the purpose of raising revenue, and this amendment is intended to interpolate language along here which would authorize and instruct this board to obtain the information regarding production and prices and the amount of revenue which would be yielded under varying rates of duty, in order to give the necessary information upon which to frame a bill along that line, and lines along which a Democratic majority or minority would propose to frame a bill.

The entire purport of this section and of the entire board is to ascertain the cost of production along the lines of the Republican platform, which declared for a tariff sufficiently high to equalize the difference in the cost of production at home and abroad plus a reasonable profit to the manufacturer. This bill apparently is intended to obtain information for the purpose of carrying out the Republican platform, and there is not a word or a syllable in it which in direct terms authorizes or directs this board to obtain any information upon which a tariff bill could be framed to anything in the Democratic platform, and I think it ought to be adopted and cited in the bill in the spirit of fairness in which the gentleman from Connecticut [Mr. HILL] said his side is willing to frame this bill.

The SPEAKER. The question is on the amendment offered by the gentleman from North Carolina.

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. SMALL) there were—ayes 129, noes 157.

So the amendment was rejected.

Mr. POINDEXTER. Mr. Speaker, I offer the following amendment at the close of section 3.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

At the end of section 3 add "and shall annually publish a report of its proceedings and conclusions."

Mr. POINDEXTER. Mr. Speaker, the public demand for a tariff commission will never be satisfied unless the public have access to the work of the commission. The real determination of tariff schedules, after all, is reached by public discussion, as a matter of public information; and in order to accomplish the purpose of a permanent tariff board public demand will never be satisfied unless the Government prints and publishes for circulation for printing and discussion in the public press, by the people of the country, the result of the work that has been done, the expense that has been incurred by the board created by this bill.

Mr. FINLEY. Does the gentleman mean to include the testimony taken?

Mr. POINDEXTER. The language is "proceedings and conclusions." It did not specify the testimony taken.

Mr. FINLEY. Would the gentleman have any objection to having it specifically state the testimony taken?

Mr. POINDEXTER. Well, I do not accept that amendment to my amendment now. I would have no objection to it, but I am speaking to the amendment as it is framed. The question of reporting the testimony I have no objection to, but it is voluminous and expensive.

Mr. FINLEY. Does the gentleman contend that the report of the committee without the testimony would be conclusive as to the facts?

Mr. POINDEXTER. It never is conclusive. The work of this tariff board does not purport to be conclusive. Objection has been made here that it is a tendency to government by commission. There is no tendency to government by commission—

Mr. FINLEY. What would be the result of the conclusions of this board other than to give to the House and the people of this country the views of the members of the commission?

Mr. POINDEXTER. It would give no views of the members at all.

Mr. FINLEY. What does the gentleman understand by conclusions?

Mr. POINDEXTER. Conclusions founded on facts, the facts found by the commission upon the testimony.

Mr. FINLEY. Without the testimony, how would the public have any way of knowing whether those conclusions were correct or erroneous?

Mr. POINDEXTER. Why, the testimony would be available if they wanted to go back of the conclusions of the commission and investigate the testimony. That testimony could be obtained.

Mr. FINLEY. Obtained how?

Mr. POINDEXTER. The only difference is between the availability of it—

Mr. FINLEY. Will the gentleman state how the testimony can be obtained under his amendment?

Mr. POINDEXTER. It could be obtained by anyone who desired to refer to a public record. It could be obtained at any time. As I said before, I have no objection if the gentleman desires to bring up the question in another amendment at some other place. I think we will accomplish a distinct public good if we secure an amendment to this bill to publish the proceedings and conclusions. If you could go further and publish the testimony, I have no objection to it.

Mr. FINLEY. Will the gentleman state that the testimony could be obtained? I will ask him how? By going back to the stenographer's notes?

Mr. POINDEXTER. Not from the stenographer's notes, but from the stenographer's report, to be obtained at any time there was any special order made for it to be published by Congress.

Mr. TAWNEY. Will the gentleman yield?

Mr. POINDEXTER. I yield to the gentleman from Minnesota.

Mr. TAWNEY. The gentleman from Washington knows that when this commission makes its report to Congress, as it is required to do under this act, its report will be published under the rules of the House, and as many numbers of copies as the House may wish to order published, in addition to the number that would be published under the rules, could be published. There is no necessity of duplicating the publication of this report, because if the report is published in advance, if it subsequently is sent to Congress, it must, under the rules of the House, be republished. There is no question at all about the publication of the report.

Mr. POINDEXTER. I object to yielding any further.

Mr. McCALL. Will the gentleman yield? I wish to call his attention—

The SPEAKER. The time of the gentleman from Washington [Mr. POINDEXTER] has expired.

Mr. FOELKER. I ask unanimous consent that his time be extended for five minutes.

Mr. McCALL. Mr. Speaker, I ask unanimous consent that the time of the gentleman from Washington be extended three minutes. [Cries of "Regular order!"]

The SPEAKER. Regular order is demanded. The question is on agreeing to the amendment.

Mr. PAYNE. Mr. Speaker, I wish to be recognized in opposition.

Mr. POINDEXTER. Mr. Speaker, I ask unanimous consent that my time be extended long enough to enable the gentleman from Massachusetts [Mr. McCALL] to ask me a question. I ask for two minutes. [Cries of "Regular order!"]

The SPEAKER. Regular order is demanded.

Mr. PAYNE. Mr. Speaker, I yield two minutes to the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. Mr. Speaker, I desire to oppose the amendment offered by the gentleman from Washington [Mr. POINDEXTER], and upon that point I desire to read the remarks of the President upon that very subject, taken from the record of a speech made before the National Tariff Commission Association not long ago. He says:

You do not desire, if I understand your position, that the tariff board or commission should make an annual report, as if it were engaged in the initiative with reference to changes in the existing tariff. The initiative in this matter lies, and should lie, with Congress; but

what you desire is when Congress, or either House of Congress, or the proper committee take the initiative, it shall be a reliable source of information to which to turn in order to know whether changes should be made or whether existing conditions should continue.

In other words, you are giving this board a power it ought not to have, a power that should remain in either House of Congress and with the President of the United States.

Mr. PAYNE. Mr. Speaker, the control of the initiative to make a tariff bill should not pass from this body by reason of any tariff board or any mischievous amendment like that offered by the gentleman from Washington [Mr. POINDEXTER]. Now, it puts into the hands of this board to come in with a report, which is published, and they furnish the initiative, not Congress. The bill properly provides that the House may call upon them for a report or the Senate may call upon them for a report. Why give them the privilege of an annual report?

Mr. Speaker, the strongest objection that has ever been urged to a tariff board was the fact that they would come into Congress with a partial report and disturb the business relations of the country by agitation for a tariff. If the people want one, they will make it known to the Representatives in this body, and the Representatives in this body, judging from the past, will be swift to go to work and gather the information and call upon this tariff board for it. Why put this power in the hands of another body, too, so far as the initiative tariff recommendation and tariff revision are concerned, that will be superior to the House of Representatives or to the Senate of the United States?

I hope the amendment will be voted down.

Mr. Speaker, I want to keep my promise to the House. I move the previous question upon the bill and amendment to final passage.

The SPEAKER. The gentleman from New York [Mr. PAYNE] moves the previous question upon the bill and upon the amendment to final passage.

Mr. WILSON of Pennsylvania. Mr. Speaker, a parliamentary inquiry. Will the adoption of this motion prevent the offering of amendments to any portion of the bill that has not yet been read?

The SPEAKER. Absolutely, if the previous question is ordered. The question is on the motion of the gentleman from New York [Mr. PAYNE].

The question was taken; and on a division there were—ayes 150, noes 136.

Mr. CLARK of Missouri. Tellers, Mr. Speaker.

Mr. PAYNE. Yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 150, nays 123, answered "present" 4, not voting 103, as follows:

YEAS—150.

Ames	Englebright	Knapp	Norris
Anthony	Esch	Knowland	Nye
Austin	Fassett	Kopp	Olcott
Barnfield	Fish	Küstermann	Parker
Barnard	Focht	Lafean	Parsons
Bartholdt	Foelker	Langham	Payne
Bates	Foss	Langley	Pickett
Bennet, N. Y.	Gaines	Lawrence	Poinexter
Bennett, Ky.	Gardner, Mass.	Lenroot	Pratt
Bingham	Gardner, Mich.	Lindbergh	Pray
Boutell	Gardner, N. J.	Longworth	Prince
Bradley	Garner, Pa.	Loud	Reeder
Burke, Pa.	Gillett	McCall	Roberts
Burke, S. Dak.	Good	McCreary	Sheffield
Butler	Graft	McCredie	Simmons
Calder	Graham, Pa.	McKinlay, Cal.	Slemp
Calderhead	Greene	McKinney	Smith, Iowa
Campbell	Gronna	McLachlan, Cal.	Southwick
Cary	Guernsey	McLaughlin, Mich.	Stafford
Cassidy	Hamer	McMorran	Sterling
Chapman	Hamilton	Madden	Stevens, Minn.
Cocks, N. Y.	Hanna	Madison	Sulloway
Cole	Hawley	Malby	Swasey
Cooper, Wis.	Hayes	Martin, S. Dak.	Tawney
Cowles	Higgins	Massey	Taylor, Ohio
Crumppacker	Hill	Miller, Kans.	Thistlewood
Currier	Hinshaw	Mondell	Thomas, Ohio
Dalzell	Hollingsworth	Moon, Pa.	Tilson
Davidson	Howell, Utah	Moore, Pa.	Volstead
Davis	Howland	Morehead	Vreeland
Diekema	Hubbard, Iowa	Morgan, Mo.	Wanger
Dodds	Hubbard, W. Va.	Morgan, Okla.	Washburn
Douglas	Kahn	Morse	Weeks
Driscoll, M. E.	Kelifer	Moxley	Wiley
Durey	Kendall	Murdoch	Wilson, Ill.
Dwight	Kennedy, Iowa	Murphy	Woods, Iowa
Ellis	Kennedy, Ohio	Needham	
Elvins	Kinkaid, Nebr.	Nelson	

NAYS—128.

Adair	Ashbrook	Boehne	Byrd
Adams	Barnhart	Boober	Byrns
Alten	Bartlett, Ga.	Borland	Candler
Alexander, Mo.	Bartlett, Nev.	Bowers	Cantrill
Anderson	Beall, Tex.	Burgess	Carlin
Ansberry	Bell, Ga.	Burleson	Clark, Fla.

Clark, Mo.	Godwin	Latta	Robinson
Clayton	Gordon	Lee	Roddenberry
Cline	Goulden	Lively	Rucker, Colo.
Collier	Graham, Ill.	Lloyd	Rucker, Mo.
Conry	Hammond	McDermott	Shackleford
Cox, Ind.	Hardwick	Macon	Sharp
Cox, Ohio	Hardy	Maguire, Nebr.	Sherwood
Craig	Harrison	Martin, Colo.	Sims
Cullop	Havens	Maynard	Sisson
Dent	Hay	Mays	Small
Denver	Heflin	Mitchell	Smith, Tex.
Dickinson	Helm	Moore, Tex.	Sparkman
Dickson, Miss.	Henry, Tex.	Morrison	Stephens, Tex.
Dixon, Ind.	Houston	Moss	Sulzer
Driscoll, D. A.	Howard	Nicholls	Talbot
Edwards, Ga.	Hughes, Ga.	O'Connell	Taylor, Ala.
Ellerbe	Hughes, N. J.	Oldfield	Taylor, Colo.
Ferris	Hull, Tenn.	Padgett	Thomas, Ky.
Finley	Humphreys, Miss.	Page	Thomas, N. C.
Fitzgerald	James	Palmer, A. M.	Tou Velle
Flood, Va.	Johnson, Ky.	Peters	Turnbull
Floyd, Ark.	Jones	Pou	Underwood
Foster, Ill.	Kelther	Pujo	Watkins
Gallagher	Kinkadee, N. J.	Ralney	Weisse
Garner, Tex.	Kitchin	Randell, Tex.	Wickliffe
Garrett	Korby	Rauch	Wilson, Pa.

ANSWERED "PRESENT"—4.

Carter	Dupre	Rothermel	Stanley
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NOT VOTING—103.

Alexander, N. Y.	Fuller	Kronmiller	Richardson
Allen	Gill, Md.	Lamb	Riordan
Andrus	Gill, Mo.	Law	Roddenberry
Barclay	Gillespie	Legare	Sabath
Brantley	Glass	Lever	Saunders
Broussard	Goebel	Lindsay	Scott
Burleigh	Goldfogle	Livingston	Sheppard
Burnett	Grant	Loudenslager	Sherley
Capron	Gregg	Lowden	Slayden
Cooper, Pa.	Griest	Lundin	Smith, Cal.
Coudrey	Hamill	McGuire, Okla.	Smith, Mich.
Covington	Hamlin	McHenry	Snapp
Cravens	Hangen	McKinley, Ill.	Sperry
Creager	Heald	Mann	Spight
Crow	Henry, Conn.	Miller, Minn.	Steenerson
Dawson	Hitchcock	Millington	Sturgiss
Denby	Hobson	Moon, Tenn.	Townsend
Dies	Howell, N. J.	Mudd	Wallace
Draper	Huff	Olmsted	Webb
Edwards, Ky.	Hughes, W. Va.	Palmer, H. W.	Wheeler
Estopinal	Hull, Iowa	Patterson	Willett
Fairchild	Humphrey, Wash.	Pearre	Wood, N. J.
Fordney	Jameson	Plumley	Woodyard
Fornes	Johnson, Ohio	Ransdell, La.	Young, Mich.
Foster, Vt.	Johnson, S. C.	Reid	Young, N. Y.
Fowler	Joyce	Rhinock	

So the previous question was ordered.

The Clerk announced the following additional pairs:

Until further notice:

Mr. PEARRE with Mr. MOON of Tennessee.

Mr. RODENBERG with Mr. DUPRE.

Mr. DAWSON with Mr. JAMIESON.

Mr. HULL of Iowa with Mr. BRANTLEY.

Mr. JOHNSON of Ohio with Mr. ESTOPINAL.

Mr. KRONMILLER with Mr. GILL of Missouri.

Mr. LUNDIN with Mr. GREGG.

Mr. MILLER with Mr. WALLACE.

The result of the vote was announced as above recorded.

Mr. WILSON of Pennsylvania. I move to recommit the bill with instructions to report back—

The SPEAKER. The proper time for that motion has not yet arrived. That will be in order after the bill is ordered to a third reading. The question now is on the amendment offered by the gentleman from Washington [Mr. POINDEXTER].

The question being taken, on a division (demanded by Mr. POINDEXTER) there were—ayes 34, noes 151.

Accordingly the amendment was rejected.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to a third reading, and was accordingly read the third time.

Mr. WILSON of Pennsylvania. Mr. Speaker, I move—

Mr. HARRISON. Mr. Speaker, I move to recommit the bill with the following instructions.

The SPEAKER. While the gentleman from Pennsylvania [Mr. WILSON] was upon his feet and addressed the Chair substantially at the same time, the gentleman from New York [Mr. HARRISON], who is a member of the committee and who, as the Chair understands, is opposed to this bill, would be entitled to recognition before the gentleman from Pennsylvania. The gentleman from New York moves to recommit this bill with instructions. The Clerk will report the motion.

The Clerk read as follows:

Recommit the bill to the Committee on Ways and Means, with instructions to amend by striking from section 7 the words "results of its investigations, together with any explanatory report of the facts so ascertained," and insert in lieu thereof the following: "facts found on its investigations."

The question being taken, the Speaker announced that the noes appeared to have it.

Mr. HARRISON. Division!

The House divided; and there were—ayes 139, noes 151.

Mr. HARRISON. Mr. Speaker, I ask for the yeas and nays.

The question was taken; and 41 Members only having arisen, the yeas and nays were denied.

So the motion to recommit was lost.

The SPEAKER. The question now is on the passage of the bill.

Mr. PAYNE and Mr. HARRISON demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 186, nays 93, answered "present" 5, not voting 101, as follows:

YEAS—186.

Alexander, Mo.	Driscoll, M. E.	Kennedy, Iowa	Norris
Ames	Durey	Kennedy, Ohio	Nye
Anderson	Dwight	Kinkaid, Nebr.	Olcott
Anthony	Ellis	Kinkadee, N. J.	Padgett
Ashbrook	Elvins	Knapp	Parker
Austin	Englebright	Knowland	Parsons
Barchfield	Esch	Kopp	Payne
Barnard	Fassett	Kustermann	Peters
Barnhart	Fish	Lafean	Pickett
Bartholdt	Focht	Langham	Poindexter
Bartlett, Nev.	Foelker	Langley	Pou
Bates	Foss	Lawrence	Pratt
Bennet, N. Y.	Gallagher	Lenroot	Pray
Bennett, Ky.	Gardner, Mass.	Lindbergh	Prince
Bingham	Gardner, Mich.	Lloyd	Pujo
Booher	Gardner, N. J.	Longworth	Randell, Tex.
Bohrland	Garner, Pa.	Loud	Reeder
Boutley	Gillett	McCall	Roberts
Bradley	Good	McCreary	Sharp
Brantley	Goulden	McCredie	Shelfield
Burke, Pa.	Graft	McKinlay, Cal.	Simmons
Burleson	Graham, Pa.	McKinney	Slemp
Byrnes	Greene	McLachlan, Cal.	Smith, Iowa
Calder	Guernsey	McLaughlin, Mich.	Southwick
Calderhead	Hamer	McMorrin	Stafford
Campbell	Hamilton	Madden	Steenerson
Cantrill	Hammond	Malby	Stevens, Minn.
Cary	Hanna	Martin, S. Dak.	Sulloway
Cassidy	Hardy	Massey	Tawney
Chapman	Haugen	Maynard	Taylor, Ala.
Clark, Mo.	Havens	Miller, Kans.	Taylor, Ohio
Cocks, N. Y.	Hawley	Mitchell	Thistlewood
Cole	Hayes	Mondell	Thomas, Ohio
Cooper, Wis.	Higgins	Moore, Pa.	Tilson
Cowles	Hill	Morehead	Underwood
Cox, Ohio	Hinshaw	Morgan, Mo.	Volstead
Crumpacker	Hollingsworth	Morgan, Okla.	Vreeland
Currier	Howard	Morrison	Wanger
Dalzell	Howell, Utah	Morse	Washburn
Davidson	Howland	Moss	Weeks
Davis	Hubbard, Iowa	Moxley	Wickliffe
Dickinson	Humphreys, Miss.	Murdoch	Wiley
Diekema	Kahn	Murphy	Wilson, Ill.
Dodds	Keifer	Needham	Woods, Iowa
Douglas	Kelther	Nelson	
	Kendall	Nicholls	

NAYS—93.

Adair	Driscoll, D. A.	Hughes, Ga.	Robinson
Adamson	Edwards, Ga.	Hughes, N. J.	Roddenberry
Aiken	Ellerbe	Hull, Tenn.	Rucker, Colo.
Ansberry	Ferris	James	Rucker, Mo.
Bartlett, Ga.	Finley	Johnson, Ky.	Shackleford
Beall, Tex.	Fitzgerald	Jones	Sherwood
Bell, Ga.	Flood, Va.	Kitchin	Sims
Boehne	Floyd, Ark.	Korby	Sisson
Bowers	Foster, Ill.	Latta	Small
Burgess	Gaines	Lee	Smith, Tex.
Byrd	Garner, Tex.	Lever	Sparkman
Candler	Garrett	Lively	Stephens, Tex.
Carlin	Godwin	McDermott	Sulzer
Clayton	Gordon	Macon	Talbot
Cline	Graham, Ill.	Maguire, Nebr.	Taylor, Colo.
Collier	Hamlin	Martin, Colo.	Thomas, Ky.
Conry	Hardwick	Mays	Thomas, N. C.
Cox, Ind.	Harrison	Moore, Tex.	Tou Velle
Craig	Hay	O'Connell	Turnbull
Cullop	Heflin	Oldfield	Watkins
Dent	Helm	Page	Wilson, Pa.
Denver	Henry, Tex.	Palmer, A. M.	
Dickson, Miss.	Houston	Ralney	
Dixon, Ind.	Hubbard, W. Va.	Rauch	

ANSWERED "PRESENT"—5.

Carter	Dupre	Rothermel	Stanley
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NOT VOTING—101.

Alexander, N. Y.	Cravens	Fornes	Gregg
Allen	Creager	Foster, Vt.	Griest
Andrus	Crow	Fowler	Hamill
Barclay	Dawson	Fuller	Heald
Broussard	Denby	Gill, Md.	Henry, Conn.
Burleigh	Dies	Gill, Mo.	Hitchcock
Burnett	Draper	Gillespie	Hobson
Capron	Edwards, Ky.	Glass	Howell, N. J.
Cooper, Pa.	Estopinal	Goebel	Huff
Coudrey	Fairchild	Goldfogle	Hughes, W. Va.
Fordney	Fordney	Grant	Hull, Iowa

Humphrey, Wash.	McHenry	Rhinock	Sturgiss
Jamieson	McKinley, Ill.	Richardson	Swasey
Johnson, Ohio	Mann	Riordan	Townsend
Johnson, S. C.	Miller, Minn.	Rodenberg	Wallace
Joyce	Millington	Sabath	Webb
Kronmiller	Moon, Pa.	Saunders	Weisse
Lamb	Moon, Tenn.	Scott	Wheeler
Law	Mudd	Sheppard	Willett
Legare	Olmsted	Sherley	Wood, N. J.
Lindsay	Palmer, H. W.	Slayden	Woodyard
Livingston	Patterson	Smith, Cal.	Young, Mich.
Loudenslager	Pearre	Smith, Mich.	Young, N. Y.
Lowden	Plumley	Snapp	
Lundin	Ransdell, La.	Sperry	
McGuire, Okla.	Reid	Spight	

So the bill was passed.

The Clerk announced the following additional pairs:

Until further notice:

Mr. DAWSON with Mr. JAMIESON.

Mr. PEARRE with Mr. MOON of Tennessee.

Mr. DENBY with Mr. GILLESPIE.

Mr. HUGHES of West Virginia with Mr. WILLETT.

Mr. SNAPP with Mr. DIES.

Mr. TOWNSEND with Mr. WEISSE.

On this vote:

Mr. HEALD with Mr. WEBB.

Mr. SMITH of Michigan with Mr. CLARK of Florida.

Mr. YOUNG of Michigan with Mr. CARTER.

Mr. SCOTT with Mr. STANLEY.

Mr. WHEELER with Mr. HITCHCOCK.

For the balance of the day:

Mr. MOON of Pennsylvania with Mr. STEPHENS of Texas.

The result of the vote was then announced as above recorded.

On motion of Mr. PAYNE, a motion to reconsider the vote whereby the bill was passed was laid on the table.

HOUSE BILL WITH SENATE AMENDMENTS REFERRED.

Under clause 2 of Rule XXIV, House bill (H. R. 29360) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1912, and for other purposes, with Senate amendments, was taken from the Speaker's table and referred to the Committee on Appropriations.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 10099. An act granting pensions and increase of pension to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 10053. An act to extend the time within which the Baltimore & Washington Transit Co. of Maryland shall be required to put in operation its railway in the District of Columbia, under the provisions of an act of Congress approved June 8, 1896, as amended by an act of Congress approved May 29, 1908.

LEAVE OF ABSENCE.

Mr. HEALD, by unanimous consent, was given leave of absence for four days on account of sickness.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 40 minutes p. m.) the House adjourned until Tuesday, January 31, 1911, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Flushing Bay, N. Y. (H. Doc. No. 1333); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

2. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Attorney General submitting an estimate of appropriation for repairs on courthouse, Washington, D. C. (H. Doc. No. 1332); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting a supplemental estimate of appropriation for the Bureaus of Fisheries, Lighthouses, and Immigration (H. Doc. No. 1331); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Board of Commissioners of the District of Columbia submitting an estimate of appropriation for aqueduct at Cabin John Bridge (H. Doc. No. 1329); to

the Committee on Appropriations and ordered to be printed, with illustrations.

5. A letter from the president of the Capital Traction Co., transmitting the report of the company for the year ended December 31, 1910 (H. Doc. No. 1330); to the Committee on the District of Columbia and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. KNOWLAND, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 31859) to authorize the Chuacawalla Development Co. to build a dam across the Colorado River at or near the mouth of Pyramid Canyon, Ariz., reported the same with amendment, accompanied by a report (No. 2017), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule VIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HINSHAW, from the Committee on Indian Affairs, to which was referred House bill 30565, reported in lieu thereof the bill (H. R. 32264) for the relief of Frances Coburn, Charles Coburn, and the heirs of Mary Morrisette, deceased, accompanied by a report (No. 2014), which said bill and report were referred to the Private Calendar.

Mr. PICKETT, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 31353) for the relief of F. W. Mueller, reported the same with amendment, accompanied by a report (No. 2015), which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule VIII.

Mr. MILLER of Minnesota, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 18219) to indemnify Susan Sanders for expenses incurred and services rendered in behalf of the Cherokee Indians, reported the same adversely, accompanied by a report (No. 2016), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 31119) granting an increase of pension to Milton I. Woodard; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 32235) granting an increase of pension to James D. Haney; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CARLIN: A bill (H. R. 32260) to inhibit and punish the stealing of freight or express packages or baggage in process of transportation on interstate shipment and felonious asportation of the same into another district of the United States or the felonious reception of same; to the Committee on the Judiciary.

By Mr. HULL of Tennessee (by request): A bill (H. R. 32261) authorizing the taking of depositions in any district or circuit court of the United States in certain cases; to the Committee on the Judiciary.

By Mr. PRAY: A bill (H. R. 32262) to amend section 3 of the act of May 1, 1888, ratifying and confirming an agreement with various Indian tribes in Montana Territory; to the Committee on Indian Affairs.

Also, a bill (H. R. 32263) to amend section 3 of the act of May 1, 1888, confirming an agreement with various Indian tribes in Montana Territory; to the Committee on Indian Affairs.

By Mr. DAVIDSON: A bill (H. R. 32265) to establish a bureau of national parks, and for other purposes; to the Committee on the Public Lands.

By Mr. ANTHONY: A bill (H. R. 32266) to authorize S. G. Guerrier, of Atchison, Kans., to construct a bridge across the Missouri River near the city of Atchison, Kans.; to the Committee on Interstate and Foreign Commerce.

By Mr. CARY: Resolution (H. Res. 939) providing for the appointment of a committee of five members to investigate the health department of the District of Columbia with respect to its administration of laws affecting the dairying business in the District; to the Committee on Rules.

By Mr. BENNET of New York: Resolution (H. Res. 940) to investigate the District government of the District of Columbia; to the Committee on Rules.

By Mr. GARDNER of Massachusetts: Resolution (H. Res. 941) requesting the President to furnish the House of Representatives certain information; to the Committee on Ways and Means.

By Mr. DENBY: Joint resolution (H. J. Res. 280) authorizing the Secretary of the Navy to loan the silver service of the U. S. S. *Detroit* to the city of Detroit, Mich., for exhibition in the Detroit Museum of Art; to the Committee on Naval Affairs.

By Mr. RUCKER of Colorado: Memorial of the Legislature of Colorado for the Panama-Pacific Exposition at San Francisco; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 32267) granting an increase of pension to Hiram M. Holton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32268) granting an increase of pension to William T. Marrell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32269) granting a pension to Rollin King; to the Committee on Pensions.

By Mr. BOEHNE: A bill (H. R. 32270) granting a pension to Mary Alexander; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32271) for the relief of William Niehaus; to the Committee on Claims.

By Mr. BORLAND: A bill (H. R. 32272) granting an increase of pension to James C. Settle; to the Committee on Invalid Pensions.

By Mr. BOWERS: A bill (H. R. 32273) granting a pension to Georgia Gentry; to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 32274) granting an increase of pension to William H. Van Brunt; to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 32275) for the relief of the heirs of Charles A. Hopkins, deceased; to the Committee on War Claims.

By Mr. CLARK of Missouri: A bill (H. R. 32276) granting an increase of pension to Dr. John Rule Fritts; to the Committee on Invalid Pensions.

By Mr. COX of Ohio: A bill (H. R. 32277) granting an increase of pension to James A. Gilmore; to the Committee on Invalid Pensions.

By Mr. MICHAEL E. DRISCOLL: A bill (H. R. 32278) to remove the charge of desertion from the record of Eugene Sharp; to the Committee on Military Affairs.

By Mr. ELVINS: A bill (H. R. 32279) granting an increase of pension to James Kelly; to the Committee on Pensions.

By Mr. FASSETT: A bill (H. R. 32280) for the relief of Fred R. Payne; to the Committee on Naval Affairs.

By Mr. FOSS: A bill (H. R. 32281) granting an increase of pension to Charles J. Wilson; to the Committee on Invalid Pensions.

By Mr. GOOD: A bill (H. R. 32282) granting an increase of pension to Rose C. Hughes; to the Committee on Pensions.

By Mr. GUERNSEY: A bill (H. R. 32283) granting a pension to Charlotte D. Miles; to the Committee on Invalid Pensions.

By Mr. HANNA: A bill (H. R. 32284) granting an increase of pension to Thomas G. Anderson; to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 32285) for the relief of Marston Upton; to the Committee on War Claims.

Also, a bill (H. R. 32286) to authorize the President of the United States to appoint Robert H. Peck captain in the Army; to the Committee on Military Affairs.

By Mr. HILL: A bill (H. R. 32287) granting a pension to John B. Tubbs; to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 32288) granting an increase of pension to Dock Keeton; to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 32289) for the relief of James H. Hyson; to the Committee on Military Affairs.

By Mr. KENNEDY of Ohio: A bill (H. R. 32290) granting an increase of pension to Henry Clay Corbett; to the Committee on Invalid Pensions.

By Mr. KINKEAD of New Jersey: A bill (H. R. 32291) granting an increase of pension to Joseph N. Smith; to the Committee on Invalid Pensions.

By Mr. KORBLY: A bill (H. R. 32292) granting an increase of pension to John P. Angleberger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32293) granting an increase of pension to John Martindale; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 32294) granting a pension to William E. Tompkinson; to the Committee on Invalid Pensions.

By Mr. LAWRENCE: A bill (H. R. 32295) granting an increase of pension to Margaret A. Bryant; to the Committee on Invalid Pensions.

By Mr. MCKINLAY of California: A bill (H. R. 32296) granting an increase of pension to James H. Cloer; to the Committee on Invalid Pensions.

By Mr. MORRISON: A bill (H. R. 32297) for the relief of George W. Anderson; to the Committee on Military Affairs.

By Mr. MOXLEY: A bill (H. R. 32298) granting an increase of pension to Demas L. Coe; to the Committee on Invalid Pensions.

By Mr. PRAY: A bill (H. R. 32299) for the relief of Thomas W. Williams; to the Committee on Military Affairs.

Also, a bill (H. R. 32300) granting a pension to Catharine A. Carruthers; to the Committee on Invalid Pensions.

By Mr. SHEFFIELD: A bill (H. R. 32301) granting an increase of pension to Margaret F. Boyle; to the Committee on Invalid Pensions.

By Mr. SIMMONS: A bill (H. R. 32302) granting an increase of pension to Eli H. Kimberley; to the Committee on Invalid Pensions.

By Mr. SMITH of Texas: A bill (H. R. 32303) granting an increase of pension to Catharine Pugh; to the Committee on Pensions.

By Mr. SPARKMAN: A bill (H. R. 32304) granting an increase of pension to W. M. Bowen; to the Committee on Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 32305) for the relief of Michael Flaherty, guardian of John Flaherty, claimant; to the Committee on Claims.

By Mr. STERLING: A bill (H. R. 32306) granting a pension to Jean B. Kopf; to the Committee on Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 32307) granting an increase of pension to John N. Waters; to the Committee on Invalid Pensions.

By Mr. WANGER: A bill (H. R. 32308) granting an increase of pension to Florenda Reed; to the Committee on Invalid Pensions.

By Mr. ALEXANDER of New York: A bill (H. R. 32309) for the relief of Sidney G. Sherwood; to the Committee on Claims.

By Mr. BENNET of New York: A bill (H. R. 32310) granting an increase of pension to Nelson H. Lawton; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 32311) granting an increase of pension to Peter Cleminson, alias John Stuart; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 32312) for the relief of Peter Keckler; to the Committee on War Claims.

By Mr. HILL: A bill (H. R. 32313) granting a pension to Lucia W. Huxford; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 32314) for the establishment of a parcels post; to the Committee on the Post Office and Post Roads.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANSBERRY: Petition of Graves & Doering, of Antwerp, Ohio, against parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. BARNHART: Petition of South Bend Labor Union, favoring illiteracy test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of Fort Wayne Medical Society, for a rate of duty not higher than 15 per cent on necessary utilities for the medical profession; to the Committee on Ways and Means.

By Mr. BENNET of New York: Paper to accompany bill for relief of Albertina D. Koschel; to the Committee on Claims.

By Mr. BOEHNE: Petition of certain citizens of Evansville, Ind., for the construction of United States battleships in the United States navy yards; to the Committee on Naval Affairs.

By Mr. BURLEIGH: Petition of United Brotherhood of Carpenters and Joiners of Augusta, Me., urging that United States

battleships be built in Government yards; to the Committee on Naval Affairs.

By Mr. CARLIN: Paper to accompany bill for relief of heirs of Charles A. Hopkins; to the Committee on War Claims.

By Mr. CLARK of Florida: Petition of Union No. 452, of West Palm Beach, Fla., Brotherhood of Painters, Decorators, and Paperhangers, favoring resolution No. 71 of the American Federation of Labor; to the Committee on Labor.

Also, petition of Tampa Bay (Fla.) Pilots' Association and Tampa (Fla.) Harbor, No. 82, Masters, Mates, and Pilots of America, against H. R. 29713; to the Committee on the Merchant Marine and Fisheries.

By Mr. COCKS of New York: Petition of Samuel Moore and others, Brooklyn, N. Y., against parcels-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of New York, for increasing efficiency of the Life-Saving Service by retirement of members; to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Pennsylvania: Petition of Mapletown Grange, No. 1443, Greensboro, Pa., for Senate bill 5842, the oleomargarine bill; to the Committee on Agriculture.

By Mr. COOPER of Wisconsin: Petition of Smith & Lock and others, of Lake Geneva, Wis., asking for a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. COX of Ohio: Petition of Walla Walla Trades and Labor Council, relative to disposition of the Fort Walla Walla tract of land; to the Committee on the Public Lands.

Also, petition of the Labor Legislators' League, for enactment of House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. DIEKEMA: Petition of G. Broene, against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. DODDS: Petition of Rev. Hugh Kennedy and others, of Big Rapids, Mich., favoring the Miller-Curtis bill; to the Committee on the Judiciary.

By Mr. ESCH: Petition of John Sweeny and others, for a liberal extension of the parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. FOCHT: Petition of Washington Camp No. 471, Patriotic Order Sons of America, Lewisburg, Pa., for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. FOSS: Petition of the Chicago Association of Commerce, for a permanent tariff commission; to the Committee on Ways and Means.

Also, papers to accompany House bill 31199 (previously referred to the Committee on Pensions); to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of the mayor of San Francisco, for the Panama Exposition at San Francisco; to the Committee on Industrial Arts and Expositions.

Also, petition of Col. J. Mack Tanner, for New Orleans as a site for Panama Exposition; to the Committee on Industrial Arts and Expositions.

Also, petition of Walla Walla Trades and Labor Council, relative to abandoned land of Fort Walla Walla; to the Committee on the Public Lands.

Also, petition of W. F. Nesmeth and others, of Capron, Ill., and Lamb Bros. and others, of Durand, Ill., against parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of Rockford (Ill.) Wholesale Grocers' Co., for the Esch phosphorus bill (H. R. 30022); to the Committee on Interstate and Foreign Commerce.

Also, petition of the Colonial Dames of America in Illinois, against locating a criminal reformatory near Mount Vernon; to the Committee on the District of Columbia.

Also, petition of H. A. Bent, of Oglesby, Ill., favoring bill to create a Federal children's bureau (H. R. 27068); to the Committee on Education.

Also, petition of W. A. Evans, of Troy, Ohio, for the bill to increase pensions of those who lost an arm or a leg in the Civil War (H. R. 17883); to the Committee on Invalid Pensions.

By Mr. GILL of Missouri: Petition of Susan Sanders in support of House bill 1882; to the Committee on Indian Affairs.

By Mr. GOULDEN: Petition of Coffin Redington Co., of New York, for San Francisco as site of Panama Exposition; to the Committee on Industrial Arts and Expositions.

By Mr. GRAFF: Petition of Methodist Episcopal Church of Deer Creek, Ill., favoring House bill 23641; to the Committee on the Judiciary.

By Mr. GRAHAM of Pennsylvania: Petition of the railway postal clerks of Omaha and vicinity, for legislation as follows: A five-hour distribution day, an increase in salary, an adequate expense allowance, retirement, steel cars on all lines, prompt action on promotions and vacancies, abolition of the demerit

system, extra pay for extra duty, etc.; to the Committee on the Post Office and Post Roads.

By Mr. GRONNA: Petition of Grain Growers' Convention at Fargo, N. Dak., against suspension of the duty on barley; to the Committee on Ways and Means.

By Mr. HAMER: Memorial of the Legislature of the State of Idaho, favoring a proposed sixteenth amendment to the Constitution of the United States; to the Committee on the Judiciary.

Also, memorial of the Legislature of Idaho relative to sections 16 and 36 within the national forest reservations and for enactment of House bill 10584; to the Committee on the Public Lands.

Also, joint resolution by the Legislature of Idaho, for resolution giving Fort Walla Walla Reservation to Whitman College, in the State of Washington; to the Committee on the Public Lands.

Also, petition of Amanda G. Endres and others, for an appropriation to pay the Indians of the Cœur d'Alene Indian Reservation remainder of the purchase price of lands settled on and entered by said petitioners within the Cœur d'Alene Indian Reservation, in State of Idaho; to the Committee on Indian Affairs.

By Mr. HAMMOND: Petition of G. Friedrich and 16 others, of Jasper, and Crane Bros. and 99 others, of New Ulm, Minn.; to the Committee on Post Offices and Post Roads.

By Mr. HANNA: Petition of citizens of North Dakota, protesting against parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of citizens on the rural routes in North Dakota, for favorable consideration of House bill 26791; to the Committee on the Post Office and Post Roads.

By Mr. HENRY of Texas: Petition of citizens of the eleventh congressional district of Texas, against parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. HOLLINGSWORTH: Petition of citizens of Cincinnati, Ohio, favoring New Orleans as site of Panama Exposition; to the Committee on Industrial Arts and Expositions.

Also, memorial of railway mail clerks of Omaha, Nebr., and vicinity, favoring increased pay and improved postal mail service; to the Committee on the Post Office and Post Roads.

By Mr. HOUSTON: Paper to accompany bill for relief of Albert S. Jenkins; to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: Petition of the leading citizens of Brigham, Logan, Tooele, and Wellsville, in the State of Utah, against rural parcels post; to the Committee on the Post Office and Post Roads.

By Mr. KELIHER: Petition of Massachusetts State Board of Trade, for the Lowden bill, for foreign embassy buildings; to the Committee on Foreign Affairs.

By Mr. KENDALL: Petition of citizens of the sixth congressional district of Iowa, embracing the cities of Thornburg, Delta, Decatur, Kinross, Keswick, Barnes City, South English, What Cheer, Rose Hill, and Webster, against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. KINKAID of Nebraska: Petition of citizens of the sixth congressional district of Nebraska, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. LAFEAN: Petition of Susquehanna Council, No. 89, Junior Order of United American Mechanics, for stringent laws against immigrants; to the Committee on Immigration and Naturalization.

By Mr. LANGHAM: Petition of citizens of East Brady, Pa., against a rural parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. LINDBERGH: Petition of citizens of Minnesota, protesting against enactment into law by Congress of the parcels-post recommendation; to the Committee on the Post Office and Post Roads.

By Mr. LOUD: Petition of A. T. Martindale and six others, of Gaylord, Mich., against a local rural parcels post; to the Committee on the Post Office and Post Roads.

By Mr. MAGUIRE of Nebraska: Petition of business men of Waverly, Greenwood, and Sterling, in the State of Nebraska, against a local rural parcels post; to the Committee on the Post Office and Post Roads.

By Mr. MAYNARD: Petition of City Council of Norfolk, Va., for Senate bill 5677, promoting efficiency of the Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

By Mr. MILLINGTON: Protest of the Utica (N. Y.) Drop Forge & Tool Co., against the enactment of the Tou Velle bill relative to the printing of stamped envelopes; to the Committee on the Post Office and Post Roads.

By Mr. NICHOLLS: Petition of Washington Camp No. 528, Patriotic Order of Sons of America, of Bald Mount, Pa., for H. R. 15413; to the Committee on Immigration and Naturalization.

By Mr. O'CONNELL: Petition of Bunker Hill Lodge, International Association of Mechanics, favoring construction of revenue cutter at the Boston Navy Yard; to the Committee on Naval Affairs.

By Mr. REEDER: Petition of citizens of Kansas, against parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. ROBINSON: Petition of Ed. Mahley and others, for construction of the battleship *New York* in Government navy yards; to the Committee on Naval Affairs.

Also, paper to accompany bill for relief of heirs of M. L. Dillon; to the Committee on War Claims.

Also, paper to accompany bill for construction of a post-office building at Stuttgart, Ark. (H. R. 32215); to the Committee on Public Buildings and Grounds.

By Mr. STERLING: Petition of J. J. Wilmert and others and memorial of the First Methodist Episcopal Church of Lincoln, Ill., relating to H. R. 23641; to the Committee on the Judiciary.

Also, petition of L. Eiseminger & Sons, of Broadwell, Ill., against the parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. SULZER: Petition of Model Grange, No. 561, Winnebago, Wis., for parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of United States Customs Employees' Mutual Benevolent Association of New York, for increase of salaries as per House joint resolution 258; to the Committee on Appropriations.

By Mr. TOU VELLE: Petition of business men of Delphos, Ohio, for construction of the battleship *New York* in a Government navy yard; to the Committee on Naval Affairs.

SENATE.

TUESDAY, January 31, 1911.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Vice President being absent, the President pro tempore took the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CONSTITUTION OF ARIZONA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting a copy of the constitution adopted by the constitutional convention of the Territory of Arizona (S. Doc. No. 798), which, on motion of Mr. KEAN, was (with the accompanying paper) referred to the Committee on Territories and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

Fred Blum and sundry subnumbered cases (Pensacola Navy Yard) *v.* The United States (S. Doc. No. 791);

Nicholas A. Brooks (Brooklyn Navy Yard) *v.* The United States (S. Doc. No. 792);

Mrs. Martin Grady, widow of Martin Grady, deceased (Norfolk Navy Yard) *v.* The United States (S. Doc. No. 793);

William Evans and sundry subnumbered cases (Washington, D. C., Navy Yard) *v.* The United States (S. Doc. No. 794);

Sanford Bilyen and sundry subnumbered cases (League Island Navy Yard) *v.* The United States (S. Doc. No. 795);

William A. Ashe and sundry subnumbered cases (Portsmouth Navy Yard, N. H.) *v.* The United States (S. Doc. No. 796); and

Allen Bush and sundry subnumbered cases (Pensacola Navy Yard) *v.* The United States (S. Doc. No. 797).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

EAST WASHINGTON HEIGHTS TRACTION RAILROAD CO.

The PRESIDENT pro tempore laid before the Senate the annual report of the East Washington Heights Traction Railroad Co. for the fiscal year ended December 31, 1910 (S. Doc. No. 799), which was referred to the Committee on the District of Columbia and ordered to be printed.

REPORT OF THE CAPITAL TRACTION CO.

The PRESIDENT pro tempore laid before the Senate the annual report of the Capital Traction Co. for the fiscal year ended December 31, 1910 (H. Doc. No. 1330), which was referred to

the Committee on the District of Columbia and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a telegram from the speaker of the House of Representatives of the State of Ohio, transmitting certain information relative to the adoption by that body of a joint resolution requesting Congress to pass the so-called old-age pension bill, which was referred to the Committee on Pensions and ordered to be printed in the Record, as follows:

COLUMBUS, OHIO, January 30, 1911.

PRESIDENT OF THE SENATE, Washington, D. C.:

The Ohio House of Representatives, with but one dissenting vote, has passed joint resolution No. 5, requesting the Congress of the United States to pass the Sulloway bill, known as H. R. 29346. This resolution is now pending in the senate.

S. J. VINING, Speaker.

CHAS. W. KEMPEL, Clerk.

Mr. KEAN presented the memorial of D. T. MacLeod, of Merchantville, N. J., remonstrating against the establishment of a department of public health, which was referred to the Committee on Public Health and National Quarantine.

He also presented a petition of Excelsior Lodge, No. 11, Brotherhood of Locomotive Firemen and Enginemen, of Phillipsburg, N. J., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Star & Wave Publishing Co., of Cape May City, N. J., praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Summit, East Orange, Newark, and Plainfield, all in the State of New Jersey, and of sundry citizens of Nanuet, N. Y., remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the Grand Army posts of Millville, Newton, Toms River, New Brunswick, Camden, Mount Holly, Beverly, Weehawken, Rahway, Mullica Hill, Vineland, Hopewell, Cape May City, Tuckerton, Perth Amboy, Burlington, Jersey City, Woodbury, and Newark, Department of New Jersey, Grand Army of the Republic; of George G. Meade Camp, No. 29, Sons of Veterans, of Belleville; and of sundry citizens of Plainfield, Morristown, Asbury Park, Vineland, and Rutherford, all in the State of New Jersey, praying for the passage of the so-called old-age pension bill, which were referred to the Committee on Pensions.

He also presented a memorial of the Sarsfield Club, of Long Island City, N. Y., remonstrating against the ratification of the treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. GALLINGER presented a memorial of 104 citizens of Washington, D. C., remonstrating against the selection of the site for the proposed colored normal school, which was referred to the Committee on the District of Columbia.

He also presented a petition of the Central Labor Union, American Federation of Labor, of Portsmouth, N. H., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Unions Nos. 301, 266, 235, and 537, Brotherhood of Railroad Trainmen, of Concord, N. H., praying for the enactment of legislation authorizing the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the New Hampshire Weekly Publishers' Association, praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the North Carolina Society of New York, praying for the enactment of legislation providing for the establishment and maintenance of permanent forests at the headwaters of navigable streams, which was ordered to lie on the table.

Mr. BORAH. I present a joint memorial of the Legislature of the State of Idaho, which I ask may lie on the table and be printed in the Record.

There being no objection, the joint memorial was ordered to lie on the table and to be printed in the Record, as follows:

Senate joint memorial 2.

Your memorialist, the Legislature of the State of Idaho, respectfully represents that—

Whereas large areas of sections 16 and 36 in every township granted to the State of Idaho by the act of Congress of July 3, 1890,